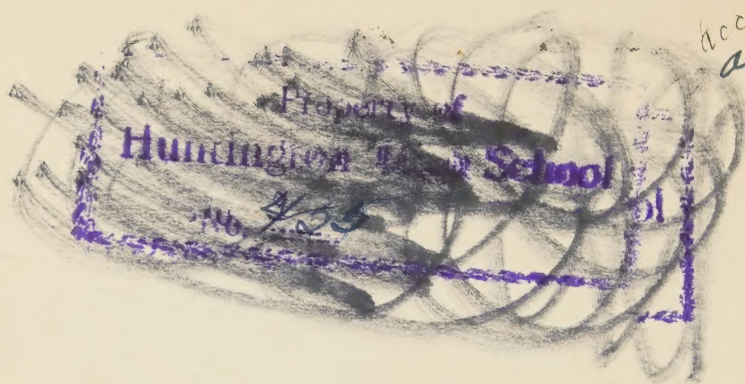


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# LAWS

OF

## THE STATE OF UTAH

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4438  
PASSED AT THE  
FOURTEENTH REGULAR SESSION  
OF  
THE LEGISLATURE

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Convened at the Capitol in the City of Salt Lake,  
January 10th, 1921,  
and adjourned sine die on the 10th day  
of March, 1921

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PUBLISHED BY AUTHORITY

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## STATE EXECUTIVES

(1921-1925)

GOVERNOR.....CHAS. R. MABEY.....Bountiful  
SECRETARY OF STATE.....H. E. CROCKETT.....Richmond  
AUDITOR.....MARK TUTTLE.....Salt Lake City  
TREASURER.....W. D. SUTTON.....Park City  
ATTORNEY GENERAL.....HARVEY CLUFF.....Provo  
SUPT. OF PUBLIC INSTRUCTION....GEORGE THOMAS....Salt Lake City

---

## UNITED STATES SENATORS

REED SMOOT ..... *Mr. Hoagwood* ..... Provo  
(r. 1921-1927)  
WILLIAM H. KING ..... *Mr. Hoagwood* ..... Salt Lake City  
(d. 1917-1923)

---

## REPRESENTATIVES

ON B. COLTON.....Vernal  
(r. 1921-1923—1st District)  
O. LEATHERWOOD.....Salt Lake City  
(r. 1921-1923—2nd District)

## JUSTICES SUPREME COURT

Chief Justice, E. E. Corfman (1922) .....	Provo
A. J. Weber (1924) .....	Salt Lake City
Valentine Gideon (1926) .....	Ogden
Samuel R. Thurman (1928) .....	Salt Lake City
Joseph E. Frick (1930) .....	Salt Lake City

H. W. Griffith—Clerk

---

## DISTRICT JUDGES AND ATTORNEYS

(1921-1925)

First District .....	Albert A. Law .....	Logan
	LeRoy B. Young, Atty .....	Brigham City
Second District .....	James N. Kimball .....	Ogden
	George E. Barker .....	Ogden
	Joseph E. Evans, Atty .....	Ogden
Third District .....	Morris L. Ritchie .....	Salt Lake City
	Albert R. Barnes .....	Salt Lake City
	Ephraim Hansen .....	Salt Lake City
	Wm. M. McCrea .....	Salt Lake City
	G. A. Iverson .....	Salt Lake City
	Lee B. Wight .....	Park City
	E. A. Rogers, Atty .....	Salt Lake City
Fourth District .....	Elias Hansen .....	Spanish Fork
	C. J. Wahlquist, Atty .....	Myton
Fifth District .....	Wm. F. Knox .....	Beaver
	Wm. B. Higgins, Atty .....	Fillmore
Sixth District .....	Jos. H. Erickson .....	Richfield
	N. J. Bates, Atty .....	Richfield
Seventh District .....	Dillworth Woolley .....	Manti
	B. W. Dalton, Atty .....	Price



# MEMBERS STATE LEGISLATURE

## SENATE

(\*Terms expire 1922—others 1924)

### OFFICERS OF 14TH SESSION

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Q. B. Kelly.....Salt Lake City.....Secretary  
Alvah A. Stout.....Nephi .....Sergeant at Arms

First District.....J. W. Peters .....Brigham City  
Second District.....Joseph E. Quinney.....\*Logan  
Third District.....Rufus Adams .....Layton  
Fourth District.....David Jensen .....\*Ogden  
Thos. E. McKay.....Huntsville  
Fifth District.....Wm. H. Smart .....Roosevelt  
Sixth District.....Geo. H. Dern.....\*Salt Lake City  
Mrs. Elizabeth Hayward .....\*Salt Lake City  
Harrison Jenkins .....Salt Lake City  
Henry M. Standish .....Bingham  
Antoinette B. Kinney.....Salt Lake City  
Seventh District.....J. W. Knight .....\*Provo  
Edward Southwick .....\*Lehi  
Eighth District.....Perry B. Fuller .....Silver City  
Ninth District.....Orlando Bradley .....\*Moroni  
Tenth District.....H. C. Tebbs .....Panguitch  
Eleventh District.....U. T. Jones.....\*Cedar City  
Twelfth District.....W. T. Lamph .....\*Cleveland

# HOUSE

(1921-1923)

## OFFICERS OF 14TH SESSION

(1921)

E. R. Callister.....Salt Lake City .....Speaker  
C. R. Bradford....Salt Lake City .....Chief Clerk  
M. Isaacson.....Ephraim .....Sergeant at Arms

First District.....N. E. Iverson .....Brigham City, Box Elder

Second District.....Harry C. Parker.....Wellsville, Cache  
Charles G. Wood.....Trenton, Cache  
Luther M. Howell.....Logan, Cache

Third District.....H. J. Norris .....Randolph, Rich

Fourth District.....R. J. Douglas.....Ogden, Weber  
R. T. Rhees .....View, Weber  
H. A. Soderberg .....Ogden, Weber  
A. R. McIntyre.....Ogden, Weber

Fifth District.....H. H. Crouch .....Morgan, Morgan

Sixth District.....D. D. Harris .....Layton, Davis

Seventh District.....A. W. Morrison .....Stockton, Tooele

Eighth District.....May Belle Davis .....Salt Lake City, Salt Lake  
Cloa Clegg .....Salt Lake City, Salt Lake  
S. W. Morrison, Jr. ....Salt Lake City, Salt Lake  
Curtis Y. Clawson.....Salt Lake City, Salt Lake  
S. J. Quinney.....Salt Lake City, Salt Lake  
M. S. Winder.....Holliday, Salt Lake  
E. R. Callister.....Salt Lake City, Salt Lake  
James Ivers, Jr.†.....Salt Lake City, Salt Lake  
Geo. W. Welch .....Salt Lake City, Salt Lake  
Alma Swenson .....Magna, Salt Lake

Ninth District.....W. O. Stephens.....Henefer, Summit

Tenth District.....Frederick Crook .....Heber, Wasatch

Eleventh District.....David T. Lewis .....Spanish Fork, Utah  
Wm. A. Knight.....Lehi, Utah  
Jas. D. Thorne.....Pleasant Grove, Utah  
R. H. Boswell.....Goshen, Utah


†Resigned 1921.



Twelfth District.....	Isabrand Sander .....	Vernal, Uintah
Thirteenth District.....	David Mills .....	Eureka, Juab
Fourteenth District....	P. O. Peterson .....	Ephraim, Sanpete
	C. M. Madsen.....	Gunnison, Sanpete
Fifteenth District.....	L. E. Whitmore.....	Price, Carbon
Sixteenth District.....	J. Frank Killion.....	Orangeville, Emery
Seventeenth District....	C. A. Hammond‡ .....	Moab, Grand
Eighteenth District.....	S. M. Jorgensen .....	Salina, Sevier
Nineteenth District.....	J. T. Finlinson .....	Leamington, Millard
Twentieth District.....	O. F. McShane† .....	Beaver City, Beaver
Twenty-first Dist.....	J. L. Sevy .....	Junction, Piute
Twenty-second Dist.....	R. A. Meeks .....	Bicknell, Wayne
Twenty-third Dist.....	W. J. Henderson .....	Panguitch, Garfield
Twenty-fourth Dist.....	Wilford Day .....	Parowan, Iron
Twenty-fifth Dist.....	J. Wilson Imlay .....	Hurricane, Washington
Twenty-sixth Dist.....	Wm. W. Seegmiller .....	Kanab, Kane
Twenty-seventh Dist....	Walter C. Lyman .....	Monticello, San Juan
Twenty-eighth Dist.....	J. E. L. Carey .....	Fruitland, Duchesne
Twenty-ninth Dist.....	Chas. L. Olsen .....	Linwood, Daggett

‡Deceased, 1921.

†Resigned, 1921.



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## AUTHENTICATION

STATE OF UTAH,  
OFFICE OF SECRETARY OF STATE, } SS.

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, beginning at page one and ending at page four hundred and forty-three hereof, are each full, true and correct copies of the originals, passed at the Regular Session of the Fourteenth Legislature of the State of Utah, as they appear on file in the Office of the Secretary of State;

That each Act which the Legislature directed should take effect upon the date of approval thereof received the vote of two-thirds of all the Members elected to each house, excepting Chapters 9, 13, 25, 26, 46, 48, 49, 56, 70, 81, 86, 91, 112, 121, 138, 141 and 148;

That the Regular Session of the Fourteenth Legislature of the State of Utah was convened at the Capitol in the City of Salt Lake, January 10th, 1921, and adjourned sine die on the 10th day of March, 1921; and

That all the Acts, Resolutions and Memorials passed at said Session were officially published on the 7th day of May, 1921.

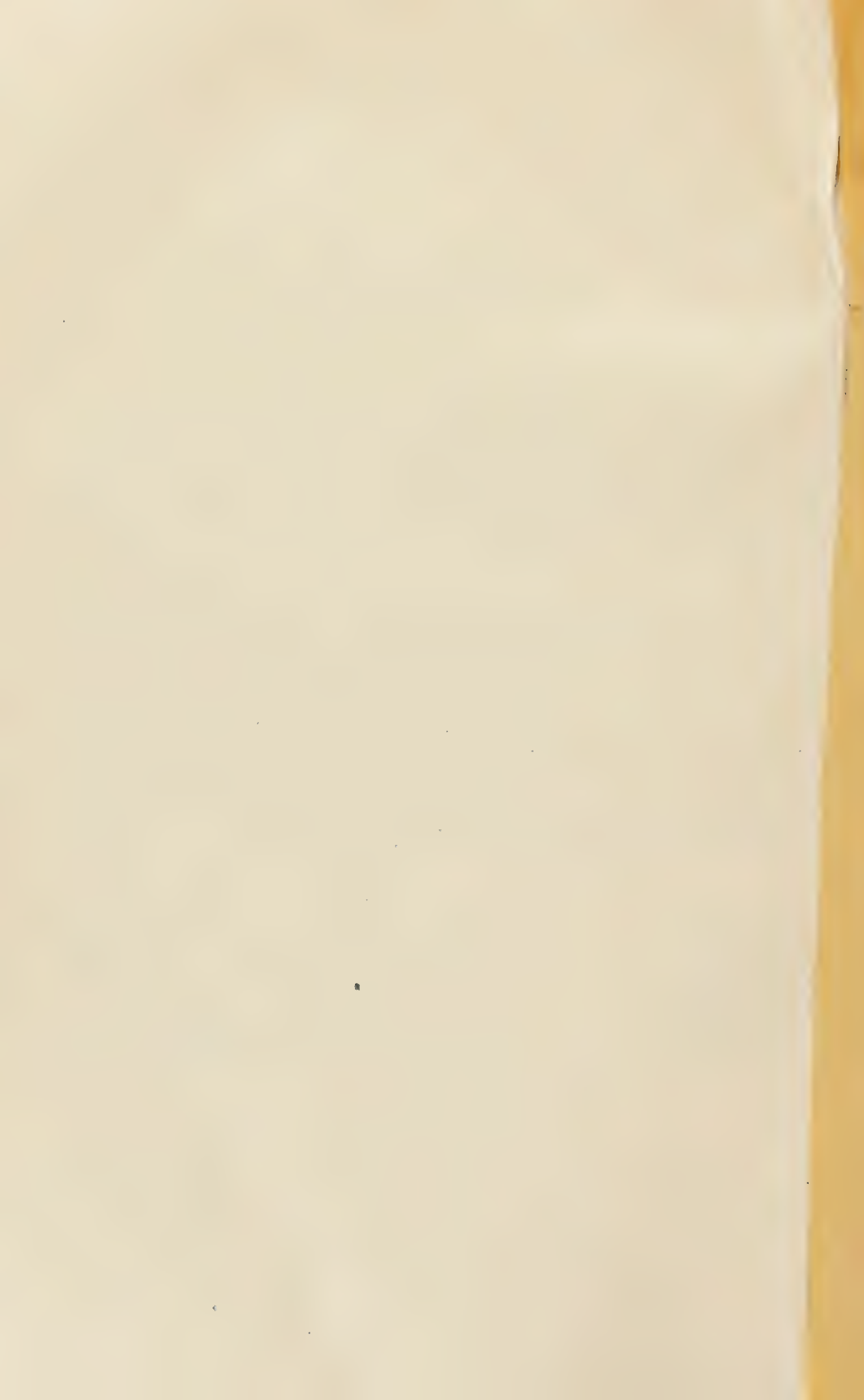
IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary, and affixed the Great Seal of the State of Utah, this 7th day of May, 1921.



*N. E. Crockett*

SECRETARY OF STATE.





# LAWS

## OF THE

### STATE OF UTAH

---

PASSED AT THE FOURTEENTH REGULAR SESSION  
OF THE LEGISLATURE

1921

---

#### CHAPTER 1.

Senate Bill No. 36.

Compiled Laws, 1917, p. 141.

(Passed March 2, 1921. Approved March 9, 1921. In effect March 9, 1921.)

#### PUBLIC ACCOUNTANT.

**An Act repealing Sections 1 and 2 and amending Section 3, Compiled Laws of Utah, 1917, relating to the State Board of Accountancy.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections repealed. Sections 1 and 2, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 2. Section amended. Section 3, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

3. Qualifications—certificate. Any citizen of the United States or any person who has duly declared his intention of becoming such citizen, residing in this state, being over the age of twenty-one years and of good moral character, may apply to the department of registration for examination under its rules, and if found qualified the department shall issue to him a certificate of qualification to practice as a public accountant, and upon the issuance and receipt of such certificate, and during the period of its existence, or of any renewal thereof, he shall be styled and known as a certified public accountant.

Sec. 3. This Act shall take effect upon approval.

Approved March 9, 1921.

## CHAPTER 2.

Senate Bill No. 121.

Compiled Laws, 1917, p. 144, et al.; Laws, 1919, p. 10, et al.

(Passed March 8, 1921. Approved March 16, 1921. In effect March 16, 1921.)

## STATE BOARD OF AGRICULTURE.

An Act revising and codifying the laws of the state relating to livestock, including bees and the registration of stallions; agricultural seeds, crops and pests, noxious weeds, dairy and food and kindred subjects relating to agriculture; creating a State Board of Agriculture and the office of commissioner of agriculture, providing the manner of their appointment and prescribing their duties; amending Sections 170 to 231, Compiled Laws of Utah, 1917, both inclusive, relating to livestock; Sections 2919 to 2935, both inclusive, Compiled Laws of Utah, 1917, relating to registration of stallions; Chapter 4, Laws of Utah, 1919, including Sections 415 to 422, both inclusive, Laws of Utah, 1917, as amended by said chapter, relating to bees; Sections 1892 to 1910, Compiled Laws of Utah, 1917, as amended by Chapter 37, Laws of Utah, 1919, relating to crops and pests; Section 7, Chapter 38, Laws of Utah, 1919, relating to agricultural seeds; Sections 1, 2 and 7, Chapter 124, Laws of Utah, 1919, relating to noxious weeds; Section 7, Chapter 82, Laws of Utah, 1919, relating to insecticides; Chapter 39, Laws of Utah, 1919, relating to commercial feeding stuffs, and Section 1920, Laws of Utah, 1917, relating to dairy and foods and repealing Sections 1888 to 1894, both inclusive, Sections 1917, 1918 and 1919, Compiled Laws of Utah, 1917; Section 1, Chapter 4, Laws of Utah, 1919.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 170 to 231, both inclusive, Compiled Laws of Utah, 1917, Sections 2919 to 2935, both inclusive, Laws of Utah, 1917, be amended to read as follows:

Sec. 170. Creation of board—membership—terms. A state board of agriculture is hereby created to consist of seven members, to be appointed by the governor by and with the advice and consent of the senate. The members of said board shall hold office for a term of four years and until their successors are appointed and qualified. Of the first appointed, three shall be appointed for a term of two years and four for a term of four years and thereafter appointments shall be made for a term of four years.

Sec. 171. Organization—compensation. Within ten days after the appointment of said board they shall qualify by taking the constitutional oath of office and filing the same with the secretary of state, and shall meet and organize by electing one of their number president and one



vice president. The board shall appoint a secretary. The board shall receive \$6.00 per day for days in actual attendance at meetings of the board and actual necessary traveling expenses. The salary of the secretary shall be fixed by the board subject to the approval of the state board of examiners.

Sec. 172. Powers—agriculture, horticulture, crops, pests, etc.—live-stock—weights and measures—feeds and fertilizers—diseases—standards—factories, mills, stores, hotels, etc.—Inspection. The state board of agriculture shall have the following powers:

1. To execute and enforce all laws of the state relating to agriculture, including horticulture, crops and pests and related subjects; live-stock, including sheep, swine, poultry and bees and related subjects; weights and measures, commercial feeding stuffs and commercial fertilizers.

2. To encourage and promote, in every practicable manner, the interests of agriculture, including horticulture, the livestock industry, including swine, poultry, bee keeping; forestry, the production of wool, and all other allied industries.

3. To promote methods of conducting these several industries with a view to increasing the production and facilitate the distribution thereof at the least cost.

4. To inquire into causes of contagious, infectious and communicable diseases among domestic animals, and the means for the prevention and cure of the same.

5. To establish standards and grades of vegetables, fruits, hay, grain, seeds and livestock products.

6. To supervise the disbursement of the state bounty fund for the destruction of predatory animals, but the same can only be used for the purposes prescribed by law.

7. To make rules regulating the sale of commercial fertilizers and to require any person, firm or corporation who shall sell or offer for sale within the state any commercial fertilizer to furnish to the purchaser thereof a written or printed statement giving the percentage of all the materials used as ingredients of such fertilizer and to furnish such other information as the board may deem necessary.

8. It shall be the duty of the state board of agriculture to formulate and prescribe such rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, hotels, fruit and vegetable canneries, flour mills, farm dairies, or any other factory, establishment, store, or house where dairy or food products of any nature are bought, sold, manufactured, prepared, stored,

or exposed for sale for public use, as shall be deemed necessary by such board to fully carry out the provisions of Chapter 10, of this act and all laws now in force or that may be enacted relative to dairy and food products, and for the promotion and maintenance of sanitary conditions in connection therewith, and for prevention of false grades, weights, and measures, and also for advancing the value of Utah food and dairy products. Such rules and regulations shall conform as near as may be to the rules and regulations that have been or shall be promulgated by the agricultural department of the United States under and by the authority of a law known as the pure food and drug act of June 30, 1906, as well as an act of Congress, approved June 30, 1906, governing meat inspection. The dairy and food commissioner shall execute the rules and regulations of the board made under the authority of this subdivision.

9. To appoint all state inspectors necessary to carry out the provisions of this act and fix their salaries, subject to the approval of the state board of examiners.

173. Commissioner—term—salary—bond. There is hereby created the office of commissioner of agriculture. A person to fill such office shall be appointed by the governor, by and with the advice and consent of the senate. The term shall be for four years and until a successor is appointed and qualified. His salary shall be \$4,000 per annum. He shall qualify by taking the oath of office and giving a bond in the sum of \$10,000.

174. Commissioner the executive officer. The commissioner of agriculture shall be the executive officer of the state board of agriculture. Under their direction he shall execute and enforce all of the provisions of all laws of the state required to be enforced by the board as well as all rules and regulations of the board.

## CHAPTER 2.

### LIVESTOCK.

175. Sheep and other inspectors—confirmation. The state board of agriculture is hereby authorized to appoint a chief sheep inspector, who shall be under the direction of and shall report to the board and such other inspectors as said board shall deem necessary for the proper protection of the livestock interests of the state; such inspectors shall be under the control and direction of said board and subject to its rules and regulations. Said inspectors shall be paid such remuneration for their special services as may be determined by said board, but not to exceed \$6 per day for actual and necessary expenses in the performance of their duties, but shall not be paid for any time devoted by them, wholly or in part, to the furtherance of their own business or interest.

Practical resident sheep or cattle men, or hog raisers, may, if necessary, be appointed inspectors in any county of the state upon the request and recommendation of ten residents of such county who are engaged in the raising of the kind of livestock for which such inspector is required.

176. Contagious diseases—quarantine—sanitation. It shall be the duty of the commissioner of agriculture and inspectors to investigate any and all cases of contagious or infectious diseases among the domestic animals of this state, or any epidemic or instance of poisoning affecting such animals which may come to their knowledge, and for that purpose they shall visit in person, or by deputy inspector, at once, any locality within the state where any such diseases, epidemic or poisoning may be reported to exist, and shall make prompt, full and careful examination of all such matters. They shall prescribe the proper quarantine, care, and necessary remedies, inaugurate and direct the necessary sanitary measures to prevent the spread of such disease, and report the same to the state board of agriculture and shall perform such other and further duties as may be prescribed by law or by the rules of the board.

177. Quarantine interstate traffic—fees—proclamation by governor—federal inspection. The state board of agriculture may make and adopt such quarantine and sanitary regulations affecting the protection and movement of livestock into and out of the state of Utah and within the borders of said state as may, from time to time, be necessary to prevent the introduction or spread of any contagious or infectious disease; and to compensate the state for the expense of carrying out of such regulations, the board may collect a fee of 3 cents per head on all cattle and horses, and 1½ cents per head on all sheep entering the state of Utah from any quarantined or infected territory.

And whenever the state board of agriculture or any members thereof, or the commissioner or inspectors, shall know or have good reason to believe that any contagious or infectious disease exists in any locality in any other state, or that there are conditions which render domestic animals of said infected districts liable to bring disease into this state, he or it shall report the same to the governor of the state of Utah, who thereupon may issue a proclamation prohibiting the importation or entry of any such livestock into this state, unless accompanied by a certificate of health given by the commissioner or special inspectors appointed by the state board of agriculture, which inspectors shall carefully examine all such livestock previous to the giving of such certificates. All costs connected with such examinations or inspections shall be paid by the owner or owners of such stock so examined; provided, that no sanitary inspection shall be necessary and no fees collected from the owners of any animals to which a clean bill of health has been previously granted by the federal authorities within ten days prior to the day of entry into the state, or such other time prior thereto as the board may



determine in its rules and regulations, and that no fee shall be collected from the owner of any animals entering this state by railroad shipment in direct route to other states or territories, which animals do not remain in the state of Utah for a longer period than is required for watering, feeding, or transferring in transit.

178. **Prevention of contagious or infectious disease—disposal of livestock—disregard of regulations—penalty.** It shall be the duty of the state board of agriculture to make and adopt such quarantine and sanitary regulations as are deemed necessary to prevent the introduction or spread of southern or splenic fever, contagious pleuro-pneumonia, hog cholera, or any other contagious or infectious diseases of livestock, and it shall have power to order the destruction or disposal of livestock, to prevent the spread of disease or to eradicate such disease when deemed necessary by the board.

Any person, firm, or corporation, being the owner of or having in charge any domestic animal or animals infected with or exposed to any contagious or infectious disease, knowing such animal or animals to be so infected or exposed to, or after having received notice from any officer or inspector of the state board of agriculture that such animal or animals are so infected, who shall permit such animal or animals to run at large, or shall keep it or them where other domestic animals can be infected by such disease or may be exposed to its contagion or infection, or who shall sell, ship, drive, trade, or give away such diseased or exposed animal or animals without fully disclosing the fact of its diseased or exposed condition to the purchaser, shall be deemed guilty of a misdemeanor.

179. **Damage by diseased sheep.** Any person or persons owning or keeping any sheep known to be diseased or exposed to the scabies, or any other contagious or infectious disease to which sheep are subject, shall be liable in the full amount of damage occasioned to other sheep owners or holders by reason of any diseased or exposed sheep being moved or allowed to stray from its or their premises or range.

180. **Inspection—dipping, spraying, etc.—seizure and sale of animals.** Whenever it shall become known to the state board of agriculture that the diseases known as mange, itch, or hog cholera, or any other infectious or contagious disease, or parasitic infestation exists among the cattle, sheep, horses, hogs or domestic animals of any county, district, or section of the state, it shall be the duty of said board to take such steps as will prevent the spread of such disease within the state, and said board shall have the power, as a sanitary measure, to inspect and compel the dipping, spraying, testing or immunizing or other treatments determined by it, of all such animals within the state, under such rules and regulations as the said board may adopt, and the said board may order and compel the owner or owners or the persons in charge

of such animals to dip, spray or otherwise treat all or any part of said animals as said board may find to be infected with or to have been exposed to such diseases. If the owner or owners or persons in charge of such animals so ordered treated shall, after notice, fail to dip, spray, or otherwise treat, test, or immunize such animals as ordered, then the board is hereby authorized to seize or cause to be seized, dipped, sprayed or otherwise treated, tested, or immunized any such animals, and to hold and sell the same or such part thereof as may be necessary to pay all costs of said inspection, seizing, caring for, dipping, spraying, or other treatment, testing, or immunizing, together with costs of sale. Such sale shall be made at such time and place, and in such manner as may be prescribed by said board after not less than three, nor more than fifteen days' notice of the time, place, and purpose of such sale has been given to the owner or owners or person in charge of said animals and in case personal service of such notice cannot be had within the county in which the animals are being held by said board, then such notice shall be given either by personal service outside of said county, or by advertisement in a newspaper of general circulation within the county where said animals are treated and if no such newspaper be published therein, then in the nearest newspaper of general circulation; provided, however, that the owner or owners of such animals so seized and held may at any time prior to said sale recover possession of the same upon payment to the board of the amount of the total costs and charges incurred against said animals; and provided, further, that any sum realized from the sale of any such animal over and above the total of such costs and charges shall be paid by the board to the owners of the animals sold, if such owner is known, or can, by reasonable diligence, be found; otherwise said surplus to be placed in the general fund.

181. Quarantine county or district—duties of peace officers—expenses. The state board of agriculture may quarantine any county, district, or section of the state for the purpose of preventing the spread of any infectious or contagious disease among the domestic animals within the state. The said board shall have the authority, through its members, officers or inspectors, to call on all sheriffs, constables, or other peace or police officers of any town, precinct, or county within the state, to assist in maintaining such quarantine, and to arrest anyone who may violate such quarantine or the rules or regulations made by said board for the purpose of maintaining it, and it shall be the duty of all sheriffs, constables, peace or police officers to act in such case when so called upon, and they shall be allowed their fees and necessary expenses in so doing.

182. Penalty for violation—witnesses. Any person or corporation who shall violate or disregard any quarantine provision of this chapter, or any sanitary or quarantine rule, regulation, or order of the state

board of agriculture, in pursuance of its official duties, shall be fined in a sum of not less than \$25 nor more than \$1,000, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment. For the purpose of carrying out the provisions of this chapter each member of the state board of agriculture and the commissioner is authorized to subpoena and examine witnesses and to administer oaths for the purpose of soliciting information to be used for enforcing the provisions hereof, and in the furtherance of the quarantine, sanitary, and other regulations.

183. Brand inspection—penalty for avoiding. The state board of agriculture is hereby authorized to appoint brand inspectors for the brand inspection of cattle, horses and mules. Said inspectors shall be under the direction and control of said board and subject to its rules and regulations, and they shall serve during the pleasure of said board. It shall be unlawful for any person, firm or corporation, to ship or to present for loading or attempt to load, any cattle, horses or mules for shipment upon any railroad in this state, or to drive or attempt to drive or otherwise take the same beyond the boundaries of this state, or beyond the boundaries of any county within the state, other than for grazing purposes, until the same shall have been duly inspected by a brand inspector of the board, and until such railroad company shall have been furnished by said inspector with a certificate showing that the brands or ear marks on such cattle, horses or mules have been duly inspected, as required by this act. Any railroad company, or any officer, agent, or servant of any railroad company who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be fined in any sum not in excess of \$5,000 for such offense. Nothing in this section shall be construed as affecting cattle, horses or mules, owned by residents of this state which are ranged a portion of the year in adjoining states, or which are taken into adjoining states for shipment back into this state and no railroad company shall be liable for any penalty for receiving and shipping such cattle, horses or mules.

184. Application for brand inspection—response—fees. Every person, firm or corporation, having in charge cattle, horses or mules, destined for transportation by rail from any point within any county in this state to any point outside said county or outside this state, or to be driven beyond the boundaries of this state, or the counties thereof, except for the purpose of temporary grazing or feeding, shall make application to the brand inspector of the board to inspect the marks, brands, or ear marks of any such cattle, horses, or mules, stating in such application the time and place, when and where such animals will be ready for inspection; and it shall be the duty of such brand inspector within twenty-four (24) hours after the reception of such notice, to attend the place designated in such application and inspect said cattle, horses or mules, and to make a record of said animals, and if satisfied



give the certificate required by the provisions of this act, certifying that said animals and their marks, brands and ear marks have been inspected and noted.

In all cases of cattle, horses or mules, transported by rail, the place of inspection shall be at some stockyard at the proposed point of shipment of said animals. An inspection of cattle, horses or mules, destined to be driven out of the state shall be held at some point within the state and not more than ten (10) miles from the state line. An inspection when animals are driven or taken from one county to another for purposes other than temporary feeding or grazing shall be had in the county from which said animals are driven or taken; the owner or person in charge of such animals shall furnish the brand inspector such assistance as may be necessary for a proper inspection.

For the purpose of providing the state board of agriculture with sufficient funds wherewith to meet and defray the expense of brand inspection, it is hereby made the duty of the brand inspectors appointed by said board to charge and collect a fee of ten (10) cents per head, as brand inspection tax, on all cattle, horses, or mules, to be shipped by rail from any point within this state to any point within or without this state, or to be driven out of the state, or beyond the boundaries of any county within the state, if other than for grazing purposes, said fee to be collected by said inspectors from the owners or persons in charge of said cattle, horses or mules, before issuing any certificate of brand inspection granting leave to owners or persons in charge of said cattle, horses or mules, to load same into railroad cars for shipment, or to drive the same beyond the boundaries of the county and the fees so collected shall be reported and transmitted to the state board of agriculture at such time and in such manner as it shall by regulation require.

185. Corporation officers subject to arrest. In case of violation of this chapter by a railroad company or corporation, the warrant of arrest may be served upon the president, secretary, or manager in this state, or any general or local agent thereof in the county where the action is pending, and upon the return of said warrant so served, the railroad company or corporation may be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation, but this section shall not be construed to exempt any agent or employee from prosecution.

186. Removal of animals without permit. Should any corporation, co-partnership, association, person or persons, their or its agents or employees, ship, drive, or take away any animals other than those inspected or described in the certificates as provided in Sections 184 and 185, or should they remove any of said animals and substitute

others therefor, without the knowledge of the officers authorized to issue said certificates, they shall be guilty of a misdemeanor.

187. **Certified report by inspector—penalty for false record.** It shall be the duty of brand inspectors to make a certified report to the secretary of the state board of agriculture of the result of said inspections at least every thirty (30) days, or oftener if required by the board to do so. Any brand inspector, or any other officer, who shall knowingly make any false record of certificate under the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in a sum not exceeding \$1,000 or imprisonment not exceeding one year, or by both such fine and imprisonment.

188. **Violation of certain sections—penalty.** Any corporation, co-partnership, association, person or persons who shall violate any of the provisions of Sections 183, 184, 185, 186, and 187, or who shall ship any band, herd or carload of cattle, horses, or mules upon any railroad in this state, or who shall drive, take or otherwise remove the same without having the same inspected as required by the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in a sum of not more than \$1,000, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment; but nothing in this chapter shall be construed as repealing the laws now in force respecting the larceny of livestock or cattle.

189. **Animals not owned by shipper.** In making an inspection of any animal, as provided in this chapter, prior to shipment by rail or during removal as herein provided, if any sheriff or inspector shall find any animal or animals bearing marks or brands other than those of the owner of the other cattle in said shipment or removal, and if said owner or shipper shall fail to exhibit a bill of sale, or other evidence of title or authority for the possession of said animal or animals, the sheriff or inspector shall take possession of the same for the state board of agriculture, and dispose of the same according to the rules and regulations prescribed by said board.

190. **Rules—compensation—estrays—fees—claims.** The state board of agriculture is hereby authorized and empowered to make such reasonable rules and regulations regarding brand inspection, fixing compensation of employees and the disposition of estrays taken up by brand inspectors, as provided in this section, as may seem to said board to be proper and just, and for the best interests of the owners of same. All moneys coming into the hands of the secretary of the board from the sale of stray animals shall constitute and be known as the "Estray" fund, and shall be deposited with the state treasurer and kept in an account separate and distinct from other accounts. All fees collected for the brand inspection of cattle, horses and mules, shall constitute

and be known as the "Brand Inspection Fund" of said board, which shall be deposited with the state treasurer and expended in conformity with the regulations prescribed by said board. Any person, firm or corporation, establishing to the satisfaction of the said state board of agriculture the ownership of any estray animals which shall have been sold by the board, and the amount realized from such sale deposited in the estray fund, as herein provided, shall forthwith be paid the amount for which said animal or animals were sold, less the cost of sale. All claims for moneys from the estray fund made by the owners of cattle sold as estrays by the state board of agriculture, or any inspector acting under the authority of said board, after the passage of this act, shall be made within two years of the date of sale of the same, or the same shall be forever barred and no money shall be paid upon claims made after two years from the date of such sale. The proceeds of the sale of any animal or animals unclaimed after two years from date of sale, shall be transferred to the brand inspection fund upon order of the board, and notice to the state treasurer and state auditor. Provided that nothing in this act shall be construed to repeal any of the laws now in effect in regard to impounding of estray animals by municipalities.

191. Inspection for butchers, etc.—exception—hides—defacing brand. Any butcher, owner, manager, or employee, of any slaughter house, packing company or corporation, co-partnership, association, person or persons, slaughtering any cattle, shall, before slaughtering neat animals, have same inspected by a brand inspector of the state board of agriculture and certificate of inspection issued. An inspection fee of ten cents per head shall be collected therefor; provided, requirements of this chapter shall not apply to cattle previously inspected for brands and accompanied by an inspection certificate. Every person, or persons, not regularly engaged in the butcher, slaughter house, or packing business, or regularly engaged in slaughtering animals for sale, may slaughter any neat animal without having brand inspected and sell the hide, and shall furnish to the buyer of such hide or hides with a bill of sale rendered in duplicate, one copy to be retained by the seller and produced upon demand of any person, showing kind, age, weight of animal and brands thereon, giving position of same; and it shall be the duty of said buyer to have all hides in his possession inspected by a brand inspector of the board before their removal from the county in which animals were slaughtered. The inspection fee of ten cents for each hide will be collected and inspection certificate issued by said inspector. It shall be a misdemeanor for any person, firm or corporation, having purchased hides, to have in his or their possession, any hide not accompanied by a bill of sale or brand inspection certificate, and to remove any hide from the county wherein the same are purchased without having in his possession a brand inspection certificate. It shall be unlawful for any person to mutilate, alter or deface any brand or other mark by



which any cattle, horses or mules, or the hide of any cattle, may be identified, or to destroy or conceal any hide for the purpose of preventing the discovery of the identity of any such animal.

192. **Epidemic—property may be destroyed.** Whenever there exists an outbreak or epidemic of any contagious or infectious disease among domestic animals of this state, of such character as to endanger and imperil livestock, the state board of agriculture shall, upon the approval of the governor, have the power to condemn and destroy in disposal of any livestock so infected with contagious or infectious disease, or any livestock which has been exposed to, or is deemed by the board capable of communicating such contagious or infectious disease to other domestic animals, and to condemn and destroy any barns, sheds, corrals, pens, or other property which the said board may determine is necessary to be destroyed in order to prevent the spread of such contagion or infection. Such condemnation and destruction shall take place only when, in the opinion of the said board and the governor, an emergency exists and such action is justified and necessary for the safety and protection of the livestock of this state.

193. **Notice to U. S. secretary of agriculture.** Whenever there shall be an outbreak of any contagious or infectious disease among the domestic animals of the state of such a nature as to imperil the livestock of adjoining states, it shall be the duty of the state board of agriculture to notify the secretary of the United States department of agriculture and seek to co-operate in every way possible with the bureau of animal industry of that department in preventing the spread of the disease beyond the boundaries of this state, and in promptly eradicating the disease within the state.

194. **Appraise property to be destroyed—payment.** Whenever the state board of agriculture shall find it necessary to condemn and destroy any animals or property within this state, because of any contagious or infectious disease, as provided herein, such animals or property shall not be destroyed until after a fair appraisement shall have been made of the value of such animals or property by three appraisers, one to be appointed by the state board of agriculture, one by the owner of the property to be destroyed and the third to be selected by these two. Said appraisers shall make a report to the said board, under oath, as to their appraisement, and the board shall forward such appraisement to the governor with its recommendation as to what proportion of such appraisement is considered by it as a just bill against the state of Utah.

195. **Slaughter of suspected animal—quarantine.** Whenever the commissioner or livestock inspector, or any veterinary surgeon acting under his orders, shall find indications of any contagious or infectious disease among any domestic animals in this state, and such inspector

or veterinarian is unable to determine positively the actual nature of such disease, the commissioner shall have the power to order one or more of the animals so inspected slaughtered, so that a post-mortem examination may be made to determine the exact nature of the disease.

Whenever any member of the state board, or the commissioner or any deputy inspector employed by it, or any veterinarian acting under its order, or any inspector or agent of the bureau of animal industry of the United States department of agriculture, shall find positively or shall have good reason to believe that any disease investigated by him is contagious or infectious, and that any animals are likely to communicate such disease to other animals, he shall have the power at once to establish a quarantine over such animals and premises and to take such action as he may deem necessary to prevent the spread of such contagion or infection, in accordance with the rules and regulations of the board, and shall promptly report these actions to the state board, and any violation of such quarantine or sanitary measure or order of the state livestock inspector, or his deputy acting under his orders, shall be considered the same as a violation of any rule or order of the state board of agriculture.

**196. Certificate for imported cattle.** It shall be unlawful for any person to bring into this state any cattle for dairy or breeding purposes, except when said cattle are accompanied by a certificate from a state or federal inspector, certifying that they have been examined and subjected to the tuberculin test within forty days prior to their shipment into this state, and are free from tuberculosis and every other contagious or infectious disease; provided, that the provisions of this chapter shall not apply to what is known as range cattle or branded cattle raised in pasture or open range. Any transportation company which shall accept shipment of any livestock without certificate of health accompanying the bill of lading shall be deemed guilty of a misdemeanor.

**197. Dairy tuberculin test.** Every person who sells milk to a dairy, and every person engaged in the dairy business in this state, shall cause every cow milked by him to be examined and subjected to the tuberculin test by a competent person under the direction of the state inspector or an inspector of the United States bureau of animal industry to ascertain if any such cows are infected with tuberculosis, but no fees shall be charged therefor.

**198. Certificate for range cattle.** It shall be unlawful for any person, persons, firm, or corporation or their agents or employees to bring or cause to be brought in any manner whatsoever into this state strictly range cattle unless they are accompanied by a health certificate showing the said cattle to be free from contagious, infectious, or communicable

disease or exposure thereto, the certificate to be rendered in such form and manner as may be provided in the rules and regulations of the state board of agriculture.

199. **Claim for slaughtered animals—limit.** Wherever animals are condemned and slaughtered, as provided in Sections 197 and 224, the owners of such animals, desiring to be reimbursed therefor, must present their claim to the state board of agriculture within ninety days from the date on which such animals were killed, and the said board shall, within a reasonable time thereafter, pass upon the said claim and transmit the same to the state board of examiners with a recommendation as to the sum, if any, which should be paid upon such claim, and in all cases where animals are slaughtered or property destroyed as provided in Sections 194, 196, 197 and 224, the said board of examiners may pay for said property a reasonable compensation, to be paid out of the state bounty fund; provided, that the said board of examiners shall not allow or pay on any one claim more than \$1000, but if, in the opinion of the board of examiners, the owner is entitled to compensation over and above this sum, such claim in excess of said sum of \$1000 shall be transmitted by the governor to the next session of the legislature, with his recommendation as to the payment of such excess.

200. **Certificate for animals to be slaughtered.** It shall be unlawful for any corporation, co-partnership, association, person or persons to import swine into the state for any purpose other than immediate slaughter, unless they be accompanied by a health certificate of inspection issued by a state or federal inspector, showing them to be free from all contagious, infectious or communicable diseases, and that hog cholera or swine plague was not known to exist in the immediate neighborhood from which the shipment originated, within a period of six months prior to the date of shipment.

201. **Moving hogs—rules.** It shall be unlawful to ship, trail, drive, or otherwise move or allow to stray or drift, any hogs from a quarantined area established under this chapter, except in accordance with rules and regulations of the board and it shall be unlawful to ship, trail, drive, or otherwise move or allow to drift from one point in the state to another point in the state, any hogs affected with or exposed to hog cholera or swine plague or other contagious or infectious disease, except in accordance with the rules and regulations of the board.

202. **Shipment of hogs by rail.** It shall be unlawful for any person, firm, corporation, railroad company, or operator of a railroad to load or cause to be loaded into any car or cars any hogs for shipment into or within the state of Utah, except those for immediate slaughter, until said cars shall have been cleaned and disinfected in accordance with the rules and regulations of the board.



203. **Rules on hog cholera.** The state board shall be authorized and empowered to make and enforce such rules and regulations that shall be deemed necessary to co-operate with the bureau of animal industry, United States department of agriculture, in order to control or eradicate hog cholera or any other contagious or infectious disease among swine or other livestock.

204. **Railroad stockyards infectious—unloading.** All railroad stockyards shall be considered as infectious territory, and all hogs, except those for immediate slaughter, shall be unloaded in chutes in some section of the yards which has been thoroughly cleaned and disinfected in accordance with the rules and regulations of the board and kept clean and disinfected, for the reception of all hogs other than those for immediate slaughter.

205. **Stockyards at market centers infectious—unloading.** All stockyards at market centers shall be considered as infectious territory, and at all points of destination for all hogs and other livestock except those for immediate slaughter, there shall be provided for the unloading of such hogs and other livestock, a portion or section of the yards and chutes which shall be kept cleaned and disinfected in accordance with the rules and regulations of the board.

206. **Animals passing through stockyards.** All hogs and other livestock, except those for immediate slaughter, which are being shipped from one section or portion of the state of Utah to another section or portion of the state, when passing through public stockyards or market centers, shall be treated and handled as in this chapter specified for interstate shipments.

207. **Carcass of diseased swine, disposal.** Any person, persons, firm, or corporation owning or having charge of any swine which have died of hog cholera, or other contagious, infectious or communicable disease shall, within twenty-four hours from the death of such animal, dispose of the carcass of such animal by burying or burning or in such other manner as may be provided in the rules and regulations of the state board.

208. **Hogs, eighteen days' isolation.** All hogs, except those for immediate slaughter, upon arrival at destination shall be by the consignee kept in some clean or disinfected place away from all other hogs for a period of eighteen days from the date of arrival at destination, and the state commissioner shall be notified by the owner or consignee of such date of arrival and the date of releasing said hogs from confinement.

209. **Recorders of marks and brands.** (36, 37) The secretary of the state board is hereby made ex officio state recorder of marks and brands. There shall be an auxiliary office in every county other than

that in which the general office is located and the duties of such auxiliary office are hereby devolved upon the county clerks of the counties respectively.

210. Obtaining recorded mark or brand. (38) Whenever any person wishes to obtain a recorded mark or brand, application therefor may be made to the state board of agriculture directly or through the auxiliary office of the county in which the applicant resides, and it shall be the duty of the state livestock inspector to designate the mark or brand to be used by such applicant, and to define the place or position it shall occupy on the animals, consulting always the choice or convenience of the applicants, as far as may be, without interfering with previously recorded marks or brands; provided, that no brand shall be recorded by the connecting of any letter, figure, sign, or character, to a brand heretofore recorded; provided, further, that if a character is wanted for which there is no type, the applicant shall pay the extra expense therefor. A fee of \$1 shall be collected for each mark or brand so recorded.

211. Record of marks and brands—certified copy. (39) The secretary of the state board shall keep a record of all marks and brands, with the names and residences of the persons owning the same, in a book suitable for the purpose, which shall be free to the inspection of all persons interested; and he shall furnish to the owners certified copies of all marks or brands, which certificates shall be deemed evidence in law.

212. Publishing list of marks and brands. (40) The secretary of the state board of agriculture shall prepare, on or before the first day of October of each year, a list of all recorded marks and brands which have not been previously published, and he shall cause a thousand copies of the same to be printed at public expense, in pamphlet or other convenient form for distribution. Immediately after publication he shall gratuitously distribute to the sheriffs and county clerks of the various counties in the state a sufficient number of copies to supply the said sheriffs and county clerks and the constables in said counties, and shall hold for sale and shall sell at a uniform price to be fixed by the board of examiners the remaining copies at not more than 25 per cent in addition to the price per copy paid for printing and binding.

213. County clerks auxiliary officers—duty. (41) Clerks of auxiliary offices shall receive and forward to the secretary of the state board all applications for recording marks and brands and shall furnish to each applicant the secretary's certificate of the mark or brand designated and recorded for him, for which service a fee of 50 cents, in addition to the secretary of the board's fee, shall be collected. It shall be the duty of the county clerks to distribute gratuitously to the officers in each

county mentioned in Section 210 the printed copies of the recorded marks and brands, and all such printed copies shall be deemed the property of the several officers, respectively, and shall be delivered by them to their successors in office.

214. Unlawful use of brand. (42) Any person using a like brand in the position and place recorded to another shall be deemed guilty of a misdemeanor.

215. Brands recorded decennially. (43) All owners of livestock within the state shall, within one year from May 15, 1921, and every ten years thereafter, send in to the recorder of marks and brands, for recording, all recorded marks and brands used by them.

216. Time allowance for re-recording. (44) The recorder of marks and brands shall, for the said period of one year, receive for record, all marks and brands heretofore recorded in his office and shall re-record the same, upon receipt of the regular fee.

217. Publishing list of re-recorded marks and brands. (45) The recorder of marks and brands shall, after re-recording said marks and brands, collate, compile, and index in a record of suitable size, all such marks and brands, and shall furnish the county clerks of the various counties in the state with sufficient copies of said records for the use of such clerks and constables in said counties, and shall hold for sale and shall sell at a uniform price to be fixed by the board of examiners the remaining copies at not less than 25 per cent in addition to the price per copy paid for printing and binding; provided, that the state board of examiners may, if in its judgment the best interest of the state may be subserved thereby, let the publication of said records of marks and brands to the lowest responsible bidder, who shall be permitted to sell said books at a uniform price, not to exceed the sum of \$2.50 per copy.

218. Recording obsolete—when. (46) After the expiration of one year, as provided in Section 216, the recorder of marks and brands shall proceed to record further marks and brands submitted for record, as provided by law. All marks and brands heretofore recorded not re-recorded, as provided in the four next preceding sections, are hereby declared obsolete and their record null and void.

219. Shipment of quarantined animal forbidden. It shall be unlawful for any railroad company or other common carrier to receive for transportation, or transport from any quarantined area of this state into or through an unquarantined area, or receive for transportation or transport within any quarantined area of this state, any animals subject to such quarantine, or as a connecting carrier knowingly to receive without the quarantined area any such animals from any quarantined



area and to transport the same within this state. Nor shall any corporation, co-partnership, association, person or persons deliver to any railway company or common carrier any such animals for any such transportation, nor shall any corporation, co-partnership, association, person or persons drive on foot or cause to be driven, or transport or cause to be transported in any manner, any animal subject to quarantine from any quarantined area of this state into or through any unquarantined area thereof, nor permit any such animal to go, stray, or drift from any such quarantined area; provided, that the state board may, if considered necessary by it, temporarily suspend the provisions of this section.

220. Reporting symptoms of disease—penalty. Every owner of livestock, and every breeder or dealer in livestock, and every one bringing livestock into the state shall, on perceiving the appearance of symptoms of apthous fever, or foot and mouth disease, among the livestock owned by him or under his care, give immediate notice to the state board of agriculture of the facts discovered by him as aforesaid; and any owner of livestock who shall fail to make report as herein provided shall forfeit all claim for indemnity for animals slaughtered in accordance with the provisions of this chapter, and no such indemnity shall be granted to him. Every veterinarian registered to practice in the state in accordance with Sections 6185-6198, shall, immediately upon discovering symptoms of apthous fever, or foot and mouth disease, in any livestock, report the facts so discovered to the state board; and failure to make such report without delay shall be cause for revocation of his right to practice as a veterinarian in the state.

221. Predatory wild animals. The board is hereby authorized and empowered to conduct experiments as to the best means and methods to be employed in the extermination of predatory wild animals, either by baiting, trapping, or otherwise; and to take such measures as it shall deem necessary for the control of rabies among coyotes and dogs, and for the eradication of coyotes, lynx, wolves, panthers, mountain lions, bear, prairie dogs, as well as rabbits and other rodents, and to engage and to employ the necessary assistants in such work. The board is further authorized to purchase poisons and other materials in bulk to be used by the employees of the board and under its direction and supervision in the eradication of said animals.

222. Accepting national rules on disease. The governor is hereby authorized to accept, on behalf of the state, the rules and regulations prepared by the secretary of agriculture, under and in pursuance of the acts of congress for the establishment of the bureau of animal industry, for the prevention and regulation of the exportation of diseased cattle, for the suppression and extirpation of pleuro-pneumonia and other contagious diseases in domestic animals for establishing or maintaining

quarantine districts, or any other acts of congress relating to the diseases, movement, quarantine or other regulations of cattle, sheep, hogs, horses or other domestic animals.

223. Federal and state inspectors co-operate—peace officers to assist. The inspectors for the bureau of animal industry for the United States department of agriculture, under the joint supervision of the state board of agriculture and the chief of the bureau of animal industry of the United States government, shall have the right of disinfection, inspection, immunizing, testing, quarantine and condemnation, slaughter and disposal of animals affected or infected with any contagious, infectious or communicable disease, or suspected to be affected, or that have been exposed to any such disease; and for this purpose said inspectors and all inspectors of the state board are hereby authorized and empowered to enter upon all grounds and premises in this state where animals are kept. Said inspectors, state or federal, shall have the power to call on sheriffs, constables, and peace officers to assist them in the discharge of their duties in carrying out the provisions of the said acts of congress referred to in Section 222, and the rules of the department of agriculture made thereunder, and the provisions of this chapter, and the rules of the state board, and it is hereby made the duty of sheriffs, constables, and peace officers to assist said inspectors, when so requested, and the said inspectors shall have the same powers and protection as peace officers while engaged in this state in the discharge of their duties under this chapter and under the said acts of congress.

224. Blank forms and tags. The state board of agriculture is hereby empowered to supply, at the expense of the state, blank forms for all reports, certificates, labels, or signs required by the provisions of this chapter, and to supply to the sheriff of each county of the state all necessary tags for tagging hides as herein provided.

225. Inhumane treatment of livestock. It is hereby made the duty of the board to enforce the laws and statutes of this state relating to the inhumane and cruel treatment of any and all livestock.

226. Tests by state chemist. It shall be the duty of the state chemist to make examinations of all tissues, grasses, water, or samples of any substances which are submitted to him by the board, or do anything of a pathological nature where it is necessary to make a diagnosis of diseases among livestock.

227. Quarters of state board—offices open. The state board of agriculture shall occupy quarters in the capitol building of the state of Utah, where their general offices shall be kept open from 9 a. m. until 5 p. m. daily, Sundays and holidays excepted.

228. Compensation to counties for services. There shall be paid to each county of the state, out of the moneys herein appropriated, a

reasonable amount for the services of the sheriff in making the inspections required by this chapter, such amount to be determined by the state board, according to the number of inspections made and the distances traveled, and paid annually.

230. **Penalties against persons.** If any natural person or persons shall in any way violate any of the provisions of this chapter, or the rules or regulations of the state board of agriculture and no punishment for such violation is herein specifically prescribed, such person or persons shall be punished by a fine of not less than \$100 nor more than \$1000 each, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

231. **Penalty against corporations.** If any corporation shall in any way violate any of the provisions of this chapter, or the rules and regulations of the board, and no punishment for such violation is herein specifically prescribed, it shall be punished by a fine of not less than \$100 nor more than \$5000.

### CHAPTER 3.

#### CERTIFICATION OF STALLIONS.

2919. **Stallions and jacks—duties of board.** The state board of agriculture is hereby empowered to execute the provisions of this chapter and it shall be their duty:

1. To examine and pass upon all stallions and jacks provided for in this chapter and to pass upon all documents as provided for in this chapter.

2. To examine as to the merits of pedigrees.

3. To issue certificates as specified in this chapter.

4. All fees collected as provided for in this chapter shall be paid to the secretary of the board.

5. To employ one or more competent graduated veterinarians, or other accredited inspectors, to make examinations of such stallions and jacks as are referred to herein.

6. To make all necessary rules and regulations, and to perform such other duties as may be necessary to carry out and enforce the provisions of this chapter.

2920. (1167x1) **License to breeder.** Every person, firm, or company, standing, traveling, or offering for sale for breeding purposes any stallion or jack in this state shall cause the name, description and pedigree



of such animal to be enrolled by the said board, and procure a license certificate of such enrollment from such board.

2921. (1167x2) **Certificate of ownership and pedigree.** In order to obtain a license certificate herein provided for, the owner of such stallion or jack shall have the same examined by a duly qualified veterinarian named by said board, or by some other inspector who shall be appointed by the board, and procure, from such veterinarian or inspector, a certificate of examination of such animal, and shall forward such certificate to said board; and in case of pure breeds, with said certificate so forwarded shall be transmitted the stud book certificate of registry of the pedigree of said animal, and in all cases such other necessary papers relating to the breeding and ownership of said animal.

2922. **No certificate for unsound animal.** No certificate shall be issued by any veterinarian or inspector and no certificate of enrollment or license shall be issued by said board, for any animal referred to in this chapter that has any of the following diseases, or is unsound in any of the following respects: Cataract; amaurosis; periodic ophthalmia (moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema; chorea (St. Vitus dance, crampiness, shivering, stringhalt); bone spavin; ringbone; enlarged sidebone; navicular disease; hog spavin; curby formation of hock; glanders, farcy; maladie du coit; urethral gleet; mange; melanosis; or any marked faulty or weak conformation which is likely to be transmitted.

2923. **Proof of genuineness.** In all cases of doubt or suspicion as to the genuineness of the certificate of registration of any stallion or jack, the board shall withhold the license of enrollment of such stallion or jack as a pure bred until they have investigated and have been furnished proof that said stallion or jack is the animal described in said certificate of registration.

2924. (1167x3) **Pedigree standard.** The officers of the board, whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard of action stud books and signatures of the duly authorized officers of the various American horse or jack pedigree associations, societies, or companies recognized by the department of agriculture, Washington, D. C., and shall accept as pure bred and entitled to a license certificate as such, each stallion or jack for which a pedigree registry certificate is furnished, bearing the signature of the fully authorized officers of a government-recognized and approved American stud book.

2925. (1167x4) **Recording certificate.** The owner of any stallion or jack standing for public service shall cause the certificate of enrollment to be recorded with the recorder of deeds of the county in which said stallion or jack is used for public service in this state, and shall

post and keep affixed, during the entire breeding season, copies of the license certificate of said stallion or jack issued under the provisions of the next preceding section, in a conspicuous place where said stallion or jack stands for public service.

2926. (1167x5) Form of license certificate—pure bred. The license certificate issued for a stallion or jack whose sire and dam are of pure breeding, and the pedigree of which is registered in a stud book recognized by the government department of agriculture, shall be in the following form:

STATE BOARD OF AGRICULTURE.

Certificate of pure-bred stallion or jack No..... The pedigree of the stallion or jack..... Name.....  
Owned by..... Described as follows:  
Color..... Breed..... Foaled in the year.....  
Has been examined by the state board of agriculture of the state of Utah, and it is hereby certified that the said stallion or jack is of pure breeding, and is registered in a stud book recognized by the department of agriculture, Washington, D. C.  
(Signature).....  
Secretary state board of agriculture.

2927. Non-standard bred. The license certificate of a “non-standard” bred stallion shall be in the following form:

CERTIFICATE OF NON-STANDARD BRED STALLION.

No..... The pedigree of the stallion.....  
Name..... Described as follows:  
Color..... Foaled in the year..... Has been examined by the state board of agriculture, and it is found that the said stallion is not eligible to registration as standard bred, and for the purpose of this license is not pure-bred, although recorded in the non-standard department of the American trotting register.  
(Signature).....  
Secretary state board of agriculture.

2928. (1167x6) Mongrel certificate. A certificate for a mongrel stallion or jack shall be in the following form:

STATE BOARD OF AGRICULTURE.

Certificate of grade or mongrel. No..... The pedigree of the stallion or jack..... Name.....  
Owned by..... Described as follows:  
Color..... Foaled in the year.....

Has been examined by the state board of agriculture in the state of Utah, and it is found that the stallion or jack is not of pure breeding, and is therefore not eligible for registration in any stud book recognized by the department of agriculture, Washington, D. C.

(Signature) .....

Secretary state board of agriculture.

2929. (1167x7) **Advertisement to contain certificate.** Every bill, poster, or advertisement issued by the owner of any stallion or jack under this title, or used by him for advertising such stallion or jack, shall contain a copy of its certificate of enrollment.

2930. (1167x8) **Fees for license.** A fee of \$10 shall be paid the inspector for making an examination, which he shall forward to the state board of agriculture within five days, and the certificate which he issues shall be made in triplicate, describing the animal fully, and containing a receipt for the fee. One of the triplicates shall be given the owner, one forwarded at once to the state board of agriculture, and one retained in the book. A fee of \$2 shall be paid annually to the secretary of the state board of agriculture for the renewal of this license, on or before the first day of March of each year following the issuance of the certificate, and a failure to pay this fee forfeits the license. All owners of stallions and jacks registered under this chapter on the death of such stallion or jack must report such death to the secretary of the state board of agriculture, and forward the license certificate of said animal.

2931. (1167x9) **Transfer of license.** Upon transfer of the ownership of any animal licensed under the provisions of this chapter, the license certificate shall be transferred by the secretary of the board to the buyer, upon submittal of proof of such transfer of ownership and upon payment of a fee of \$2. In case a license certificate is lost or destroyed, and satisfactory proof of same is furnished, a new one shall be issued by the secretary on payment of a fee of \$1.

2932. (1167x11) **Fees to state treasurer.** The funds accruing from the above named fees shall be paid by the state board of agriculture to the state treasurer.

2933. (1167x10) **License a lien.** Every person in the state of Utah complying with the provisions of this chapter, and having obtained the license certificate for a pure-bred stallion or jack, registered in a government-approved stud book, shall have a lien on the mare and a first lien upon the offspring of such service, to the amount of the agreed service, for a period of eighteen months after service, and it shall not be necessary, in order to secure and fix said lien, to secure, file, or register any contract or statement thereof with any officer; nor shall



it be necessary that the owner of such mare or foal execute any contract whatever; the said lien may be foreclosed in the same manner that a mortgage upon personal property is foreclosed.

2934. (1167x12) Penalty. Any person violating any of the provisions of this chapter in any manner shall be guilty of a misdemeanor.

2935. Issued license valid. All owners of stallions licensed under title 44, Compiled Laws of Utah, 1917, at the time of approval of this Act, are entitled to continue under such license until the expiration of the same.

## CHAPTER 4.

### BEES.

SECTION 2. Sections amended. That Sections 2 to 6, both inclusive, of Chapter 4, Laws of Utah, 1919, and Sections 415 to 422, both inclusive, Compiled Laws of Utah, 1917, as amended by said chapter, be amended to read as follows:

Sec. 2. Rules for bee-keepers—inspection—inspectors. It shall be the duty of the state board of agriculture and it is hereby invested with the power to enforce all laws that now exist, or that may hereafter be enacted in this state pertaining to the care and culture of bees; to disseminate knowledge as to the care, prevention, eradication and control of bee diseases, the more profitable and approved methods of bee culture and honey production, and as to those districts of this state wherein peculiar opportunity may be offered for the profitable prosecution of such business; to supervise the inspection of bees and apiaries by the various county inspectors, examine into and pass upon the qualifications of such county inspectors and their efficiency in the performance of the duties of their office, to dismiss from office such county inspector or inspectors as it may regard for any reason improper to perform the duties of such office and pending action by the board of county commissioners for the county thus suffering a vacancy, to appoint in his stead from the residents of such county a qualified person who shall temporarily perform the duties of such office.

Sec. 3. Reports on bees. The board shall make annual reports to the governor concerning the operations under this chapter, which shall give the number of apiaries inspected, the number of diseased apiaries found, the number of colonies treated, also the number of colonies destroyed and the expense incurred in the performance of such duties. A careful record of the locations where disease exists shall be kept, but this record shall not be public, but may be consulted with the consent of the board.

Sec. 4. Appropriation. For the purpose of carrying into effect the provisions of this chapter, there is hereby appropriated out of the state treasury the sum of three thousand dollars (\$3000) per year, or as much thereof as may be necessary.

Sec. 5. Box hives forbidden—penalty. It shall be unlawful from and after the first day of June, 1919, for any person or persons to house or keep, or permit upon premises within their control to be housed, or kept, bees in box hives (being mere boxes without movable frames) or in any other kind of hives other than those with movable frames to all parts of which hives free access may be had without difficulty. Any violation of this section shall be punishable by a fine of not less than \$10.00 nor more than \$100.00.

Sec. 6. Queen bees—disease—penalty. It shall be the duty of any person in the state of Utah, who is engaged in the rearing of queen bees for sale, to use honey in the making of candy for use in mailing cages which has been boiled for at least thirty minutes. Any such person engaged in the rearing of queen bees shall have his queen-rearing apiary or apiaries inspected at least twice each summer season; and on the discovery of the existence of any disease which is infectious or contagious in its nature and injurious to bees in their egg, larval, pupal or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the inspector of apiaries shall declare the said apiary free from all disease. Any person engaged in the rearing of queens who violates the provisions of this section shall, on conviction thereof, be fined not less than \$100.00 nor more than \$200.00.

Sec. 6x. License for bee-keeper—fees—penalty. Every person in the state of Utah who shall be possessed of or own therein one or more colonies of bees, or one or more hives containing combs but no bees whether with or without honey or brood, shall on or before the 1st day of April of each year, or thereafter, forthwith upon coming into possession or ownership of such colony or colonies, hive or hives, or forthwith upon changing the location thereof, register the same in the office of the commissioner of agriculture and obtain a license to own, control, have, possess or cultivate the same for the then current calendar year or remainder thereof at their then location or locations, which license shall not be transferable to any other person. Application for such registration shall be made to the commissioner of agriculture upon blanks prepared by him for such purpose, which shall be distributed by him generally to those requiring the same throughout the state. Such blanks shall contain a statement of the name, place of residence and business address of the owner and applicant, together with the number of colonies or hives to be registered and their then location or locations in the state, defining such location or locations by lot, block, plat and

survey if within the corporate limits of a city or town, otherwise by sectional subdivision, township and range, stating also the name of the owner or occupant of the land whereupon such colonies or hives are located. The annual fee for the registration of such colony or colonies, hive or hives, shall be the sum of \$1.00 for each separate location and shall attach to and be collected for each new or additional location from time to time established therefor. Said fee shall accompany the application and it shall be the duty of the commissioner of agriculture to keep in his office for public inspection an accurate up-to-date record of said registrations wherein shall be stated the number of colonies or hives registered and the location or locations from time to time occupied thereby. All fees received and collected under the provisions of this section shall be paid into the state treasury, but shall constitute a fund that may be drawn upon from time to time upon order of the state board of agriculture to defray the expenses incident to the enforcement of the laws of the state relating to apiculture. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

415. **County inspector—appointment.** The board of county commissioners of the several counties shall, when petitioned by at least five actual bee-keepers, appoint by and with the consent of the state board of agriculture, a qualified person inspector of bees for their respective counties.

416. **Term of county inspector—bond.** Such county inspector shall hold office during the pleasure of the board of county commissioners and the state board, may be removed from office by either without the consent or approval of the other. He shall qualify by taking and subscribing the official oath and by giving bond to be approved by the respective boards of county commissioners, which oath and bond shall be filed with the county clerk.

417. **County inspector's compensation—assessing bees.** County inspectors shall be paid out of the county treasury for services actually rendered at such rate per day as the board of county commissioners may fix. The assessor of each county is hereby required to assess each colony of bees in his county in the same manner as other assessments are made. All taxes shall be assessed and collected thereon in the manner provided by law for the collection and payment of county taxes.

418. **Inspection of hives—destruction of diseased colonies.** All hives of bees in each county shall be carefully inspected at least once each year by the county inspector; and at any time upon complaint in writing by the owner of an apiary that disease exists among bees of any locality the county inspector within whose county the disease is alleged to exist, shall immediately inspect the bees said to be infected. And if satisfied



of the existence of disease, he shall give the owner or caretaker of the diseased apiary full instructions how to treat such cases as in the inspector's judgment may seem best. Such inspector shall, however, have authority in his discretion and for the purpose of treatment to take charge and control of diseased bees and their hives, all infected combs in or about such apiary or apiaries, and the tools and implements used in connection therewith; or the inspector may, if need be, destroy or otherwise dispose of such bees, combs, brood or hives and their contents or implements as may be infected and all honey and appliances that would spread disease; provided that if any owner questions a decision of the county inspector, the owner may appeal to the state board, who shall forthwith, at the expense of such owner, cause an examination to be made of the apiary, or colonies complained of and its decision therein shall be conclusive as to the condition of the bees at the time of such examination.

419. **Certificate for removal of bees—penalty.** It shall be unlawful to remove bees from any county or district in the state of Utah into any other county or district without first obtaining a certificate from the county bee inspector, stating that said bees are in a healthy condition and especially free from foul brood; provided the person so applying for permission to remove bees shall pay the inspector for his services and certificate at the same rate he is allowed by the county for such time actually engaged. And if the owner of an apiary or appliances wherein disease exists shall sell, barter or give away, or move, without the consent of such county bee inspector, any diseased bees (be they queens or workers) colonies or appliances, or expose other bees to the danger of such disease, said owner shall on conviction thereof be fined not less than \$50.00 nor more than \$100.00 or imprisoned in the county jail not less than one month, nor more than six months, or both.

421. **Self-disinfection by inspector.** After inspecting infected hives or fixtures or handling diseased bees, the inspector or his assistant shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his own person and clothing and any tools or appliances used by him which have come in contact with infected material, and shall see that any assistant or assistants with him have likewise thoroughly disinfected their persons and clothing and any tools and implements used by them.

422. **Access to apiaries, etc.—penalty for resisting.** For the enforcement of the provisions of this chapter, the state inspector of apiaries and all county bee inspectors shall have access, ingress and egress to all apiaries or places where bees, combs, honey, hives, implements and supplies are kept; and any person or persons who shall resist, impede or hinder in any way the inspector of apiaries or any county bee inspector in the discharge of his or their duties under the provisions of this act,

shall on conviction thereof, be fined not less than \$50.00 nor more than \$100.00, or imprisoned in the county jail not less than one month, nor more than six months, or both.

## CHAPTER 5.

### CROPS AND PESTS.

SECTION 3. Sections amended. That Sections 1895 to 1910, both inclusive, Compiled Laws of Utah, 1917, as amended by Chapter 37, Laws of Utah, 1919, be amended to read as follows:

1895. (1174) Gifts, etc.—disbursement. The state treasurer is hereby authorized to receive gifts, donations, or bequests of money or property for the promotion of agricultural interests of Utah, and to disburse the same upon the warrants of the state auditor, which said warrants shall be drawn only upon the order of a majority of the state board and for the purpose named in this chapter.

1896. (1175) Enforce quarantine. The state board of agriculture is hereby vested with the necessary authority to enforce quarantine against any state or county, or against any infested tract of land, building, or place where any trees, plants, shrubs, vines, scions, seeds, buds, fruit, or article within the state, when the same is, in its judgment, liable to spread insects, pests, and fungi or other diseases injurious to crops or plants, and provide the necessary rules and regulations to govern the same when not in conflict with the provisions of this title.

1897. (1176) Regulations for disinfection, etc. For the purpose of preventing the introduction into the state or the spreading within the state of infectious or contagious diseases, insect pests, or fungus growths among trees or plants, for the prevention and treatment, cure, or destruction of either fruit, tree, or plant pests, and for the disinfection or destruction of either trees or plants, box, package, or article harboring or containing contagious or infectious disease, insects, or pests detrimental to trees, plants, vines or shrubs, said board shall make rules and regulations for the quarantining and the disinfection thereof, which said regulations shall be circulated by the board in printed form among the fruit growers, farmers, dealers in plant products, common carriers, and nurserymen of the state by publishing the same at least four successive times in some newspaper having a general circulation in the state, and by posting copies thereof in three conspicuous places in each county, one of which shall be at the county courthouse. Such rules or regulations, when so published and circulated, shall be held to have imparted due notice of their contents to all persons within the state, and shall be binding upon them.

1898. County inspectors—qualifications—authority—bonds—term—compensation. All persons desiring appointments as county crops and pests inspectors or deputies shall file applications with the state board of agriculture, not later than the first day of May of each legislative year and as much oftener as the state board may decide. Said applicants shall pass an examination which shall be conducted by a person or persons delegated to give the examination by the state board. The state board shall furnish the names of those who successfully pass the examination to the county commissioners of the counties from which the applicants come. The board of county commissioners shall appoint one crops and pests inspector and as many deputies as is deemed necessary to carry out the provisions of this Act, from the list so furnished by the state board, except in counties where the state board of agriculture shall determine it to be unnecessary to appoint an inspector and in such counties, the sheriff shall ex officio be the county inspector. The inspectors or deputies shall be given certificates from the board showing that they are properly qualified to inspect crops and are competent judges of various pests to which crops are subject, together with the methods for their destruction and control. The authority of any person not holding such certificate issued by the state board shall not be recognized and he shall not be a qualified inspector under the terms of this chapter. The board shall furnish inspectors and deputies, whom they have certified, an official badge, which badge shall be worn at all times by such inspectors or deputies when on official duty. Such badge shall entitle the bearer to enter any premises or other environment, and to open any container for the purpose of inspection and to collect any sample of crops, insecticide, fungicide, poison, or fertilizer, or any other material in any way connected with the growing, handling or utilization of crops or crop pests. If any sheriff who is acting as county inspector is in doubt as to the identity of any pest he may refer samples of the material in question to the county agricultural agent whose duty it shall be to furnish the necessary information and otherwise advise with the sheriff.

Such inspectors shall hold office for two years and until their successors are appointed and qualified, unless sooner removed for cause. They shall qualify by taking and subscribing the constitutional oath and by giving a corporate surety bond in the sum of \$500.00, conditioned upon the faithful performance of their duties, which shall be filed with the county clerk; said inspector shall be paid out of the county treasury for the time and services actually rendered at such rate per day as the county commissioner shall fix, not to exceed \$6.00 per day for inspectors and \$5.00 per day for deputies, with reasonable transportation and other expenses when on official duty.



The county inspectors shall carry out the provisions of this chapter and the rules and regulations of the state board; provided, that it shall be unlawful to spray with any arsenical or other poisonous material, any crop when the same is in bloom. In case of any county inspector failing, refusing, or neglecting to do his duty, nothing in this title shall be construed to prevent the state board from enforcing in such county the provisions of this chapter and the regulations of the state board either in person or by special deputy. In case of any inspector refusing or neglecting to do his duty, the state board may revoke his certificate, notice of which revocation shall be sent to the county commissioners.

1899. Inspections—abatement—notice. The county crops and pests inspector or deputies in each county shall make such inspections as may be required by the state board. If, upon such inspection, any crop, land or environment shall be found to be infected or infested with pests injurious to the agricultural interests of the county, they shall notify the owner, or the owners, persons or person in charge or possession of the infected or infested crop, land or environment, that the same is infected or infested. They shall require that such person or persons destroy or disinfect the same and make application of such treatment as is prescribed by the state board within a certain time to be specified in said notice. Said notice may be served upon the person, or persons, owning or having charge of said infested or infected crop, land, or environment, by any inspectors or deputies, or members of the state board, or it may be mailed to the last known post office address of the owner of the property.

1899x1. Terms defined—complaints—expenses of abatement. The term crop as used in this Act is defined as any or all plants, plant parts, plant products, or seeds, of whatever name or nature. The term pest as used in this chapter is defined as any weed, weed seed, rodent, insect or other animal, fungus, bacterium or other plant, or eggs, spores or offspring, or any of their products, which may infect or infest crops, land, animals, containers or other environment of any name or nature. The term environment as used in this chapter is defined as any premises, car, factory, storehouse, container or other object or material in which crops are stored, or with which they or the pests to which they are subject, come in contact in any way. Any three persons may make complaint to the state board or the county inspector in writing showing that a public nuisance or menace to their interests is maintained in any specified crop, land or environment. Upon receipt of such complaint inspection shall be made and the nuisance abated, as provided in this chapter. If, after due notice is served, as provided in this chapter, any owner or owners, person or persons in charge or possession of any crop, land, or environment, infected or infested with

pests shall fail to so destroy or disinfect, the county inspector shall cause such pests to be eradicated by disinfecting or destroying them or such crops, land or environment, and the expense incurred shall be charged against the property and collected as provided in this chapter.

1899x2. **Filing expense bill—objections—on county tax notice.** The county crops and pests inspector shall furnish an itemized certified written statement of the expense incurred in the eradication of any pests, including the names of men employed, the time required and such other information as shall fairly apprise the owner of the cost of cleaning such crops, land, or environment. This statement shall be filed with the county clerk within ten days after the completion of any such work, and a copy shall be mailed to the owner or owners, person or persons in charge of such crops, land or environment.

Any person dissatisfied with the statement so filed by the county crops and pests inspector may, within ten days after the filing of said statement, file with the county clerk his objections thereto in writing. The board of county commissioners shall, by resolution, fix dates to hear and pass upon any objections filed and finally fix and determine the amount of such charges. Any statement not objected to within the time specified shall be conclusive.

The county clerk shall certify to the county treasurer the amounts of all such charges on or before the 10th day of September of each year.

It shall be the duty of the county treasurer to include all such charges on the tax notice sent to the individual owning the property which shall become a lien on the entire property, any part of which is cleaned, in the same manner and the same extent as the lien of general taxes on the property of the owner thereof.

1900. **Sale of infected fruits forbidden—power to destroy.** It shall be unlawful to sell, or offer for sale, or have in one's possession for sale or barter, any fruit which is or has been infected with California peach blight, San Jose scale, or other scale insects, apple scab, codling moth larva or larvae, peach twig borer, or the larva or larvae of gooseberry or currant fruit fly; and the fact that such fruit bears the marks of California peach blight, San Jose scale, apple scab, codling moth larva or larvae, peach twig borer, or the larva or larvae of gooseberry or currant fruit fly, shall be deemed conclusive evidence that such fruit is infected within the meaning of this section; and it is hereby made the duty of the crops and pests inspectors to prevent the sale of such infected fruit, and they are hereby given power to seize and destroy such infected fruit whenever they shall find that the same has been packed, sold, shipped or offered for sale, or is being held in any warehouse, store, salesroom, or other place for the purpose of being sold,

bartered, shipped or exposed for sale or barter, provided that nothing in this section shall be construed to prevent the utilization of fruits infected with California peach blight, codling moth larva or larvae, peach twig borer, or San Jose scale or other scales, in the manufacture of canned fruit, evaporated or dried products, fruit preserves, jellies, butters, cider or other fruit by-products. Provided, further, that such fruit before being offered for sale or utilization shall be marked or labeled in accordance with such rules and regulations as may be prescribed by the state board of agriculture.

1901. (1180) **Reports—publication.** The county inspector shall make a report monthly to the county commissioners and the state board of agriculture on forms furnished by the board. Such report shall contain a report of the labor of the inspector and his deputies, and the general condition of agriculture within the county. The state board of agriculture shall make a report biennially to the governor by the first day of December preceding the meeting of the state legislature, and the secretary of state shall cause three thousand copies of the same to be published in a pamphlet or book form for distribution as other state publications.

1902. (1181) **License to sell nursery stock.** No corporation, firm, person, or persons shall engage or continue in the business of selling within the state or of importing into the state, any fruit trees, shade trees, shrubs, vines, or plants known as nursery stock, without having first obtained a license to do business in this state as in this title provided.

1903. (1182) **Fee—bond—term of license—revocation.** Any corporation, firm, or person may obtain a license from the state board of agriculture to engage in the business, as provided in the preceding section, upon payment of the fee of \$2.50 and by filing with the state board of agriculture a bond, with good and sufficient sureties, in the sum of \$500, conditioned that the principal will comply with the provisions of this chapter, and will pay the cost of fumigating or disinfecting all nursery stock, material or goods imported into the state or sold within the state by said principal, his or their agents, and the expense of destruction of any infected nursery stock. License granted under this title shall be for one year; provided, however, that such license may be revoked at any time for any violation of this chapter or the rules and regulations of the state board of agriculture at the discretion of the board.

1904. (1182x) **Inspection of nursery stock—certificate.** All nursery stock grown or growing within the state to be used for sale, gift, or distribution or transportation shall, after being dug and before the



same shall have been packed for delivery, be inspected by the county inspector or his deputy and shall be disinfected or treated by such method as shall be prescribed by the state board of agriculture. After such inspection and treatment of the stock he shall issue his certificate to the manager of said nursery stock; said certificate shall entitle him to use said stock so inspected and disinfected or treated for filling orders for the next current delivery, and such certificate issued in accordance with the provisions of this chapter shall be deemed sufficient, and said stock shall not be subjected to further inspection until after delivery to the planter; excepting in case where delivery is made to any nursery or nurseryman it then shall be again inspected before being stored, planted or reshipped. Said manager shall give to the county inspector of the county in which the nursery stock is located due notice of the time when such stock shall be ready for inspection under the provisions of this chapter.

1905. (1182x1) **Imported nursery stock—quarantine—release.** It shall be unlawful for any corporation, firm, or person to sell, give away, or distribute any imported trees, plants, shrubs, or vines within this state, until the same shall have been disinfected or treated. Importations of any sort of nursery stock shall be held in quarantine at owner's risk until disinfected, at the cost of the importer. Said disinfection or treatment shall be made to the satisfaction of the inspector in charge, when he shall release the same and issue certificate for its removal or distribution.

1906. (1182x2) **Common carrier—notice of arrival of nursery stock—delivery.** Every corporation, firm or person, his or their agent, doing business as common carriers within the state, shall, upon the arrival of all nursery stock, trees, plants, vines, shrubs, cuttings, or scions, at the station or other place to which such nursery stock is consigned, immediately notify the county crop pest inspector or his deputy of such arrival, and to whom consigned, with date and place of arrival, and shall hold the shipment twenty-four hours after said notice of arrival has been sent, when it may be delivered to the consignee; provided, that where such shipment is accompanied by a certificate of any county inspector or deputy inspector within the state, the stock may be delivered immediately after said notice is sent.

1907. (1182x4) **Funds to state treasury.** All sums of money collected under the provisions of this chapter shall be turned into the state treasury.

1908. (1182x5) **Agricultural exhibits—awards.** The state board of agriculture may have charge, either in person or by appointment of a suitable person, of any agricultural exhibit; provided, however, this shall not interfere with the exhibits arranged by private parties; and

shall have power to arrange for and provide such exhibit and may award ribbon premiums for such exhibits.

1909. Term "plant" defined. For the purposes of this chapter, the term "plant" or "plants" shall include trees, shrubs, vines, forage, and cereal plants, and all other plants, cuttings, grafts, scions, buds, and all other parts of plants; fruit, vegetables, roots, bulbs and seed.

1910. (1182x6) **Penalty.** Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.

## CHAPTER 6.

### AGRICULTURAL SEED.

SECTION 4. Section amended. That Section 7, Chapter 38, Laws of Utah, 1919, be amended to read as follows:

Sec. 7. **Enforcement of Act.** It shall be the duty of the state board of agriculture, its officers, inspectors and agents, to enforce the provisions of this Act.

## CHAPTER 7.

### NOXIOUS WEEDS.

SECTION 5. Sections amended. That Sections 1, 2 and 7 of Chapter 124, Laws of Utah, 1919, be amended to read as follows:

Sec. 1. **Destroying noxious weeds.** Every railroad, canal, ditch and water company, and every person, firm and corporation owning, controlling, or occupying lands in this state, and every county, municipality, irrigation or drainage district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, shall cut and destroy all Canada thistle, bull thistle, burdock and all other weeds designated by the state board of agriculture as noxious and injurious to vegetation before such weeds shall propagate or spread and whenever required by the state board or the county crop pest inspector.

Sec. 2. **Enforcement of chapter.** It shall be the duty of the county crop pest inspectors, acting under the direction and supervision of the state board of agriculture, to enforce the provisions of this chapter.

Sec. 7. **Noxious weeds—declaration.** Whenever fifty or more taxpayers within any county declare any weed to be noxious within said county, it shall be the duty of the state board of agriculture to officially declare said weed to be noxious within said county.

## CHAPTER 8.

## INSECTICIDES.

SECTION 6. Section amended. That Section 7, Chapter 82, Laws of Utah, 1919, be amended to read as follows:

Sec. 7. Enforcement of chapter. The state board of agriculture shall carry out and enforce the provisions of this chapter, shall make such rules and regulations as are necessary therefor, and shall collect for examination specimens of insecticides and fungicides manufactured or offered for sale within the state.

## CHAPTER 9.

## COMMERCIAL FEEDING STUFFS.

SECTION 7. Chapter amended. That Chapter 39, Laws of Utah, 1919, be amended to read as follows:

Sec. 1. Commercial feeding stuffs. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live-stock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir and milo; whole hays, straws, cotton seed hulls and corn stover when unmixed with other materials.

Sec. 2. Certifying label. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label in a conspicuous place on the outside thereof containing a legible and plainly printed statement in the English language, clearly and truly certifying:

- (a) The net weight of the contents of the package, lot or parcel;
- (b) The name, brand or trade mark;
- (c) The name and principal address of the manufacturer or distributor of the product;
- (d) The minimum per centum of crude protein;
- (e) The minimum per centum of crude fat;
- (f) The maximum per centum of crude fiber;
- (g) The crude protein, crude fat and crude fiber shall be determined by the methods in force at the time by the association of official agricultural chemists of the United States.

Sec. 3. Statement by manufacturer, dealer, etc., to be filed. Before any manufacturer, importer, jobber, firm, association, corporation or



person shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs, he or they shall file with the state board of agriculture a certified copy of the statement specified in Section 2, for each brand of commercial feeding stuffs, said certified copy to be accompanied, when the state board of agriculture shall so request, by a sealed package containing at least one pound of the commercial feeding stuffs to be sold, offered or exposed for sale or distributed in this state, and the company or person furnishing said sample shall thereupon make affidavit that the said sample is representative of the commercial feeding stuffs offered for registration.

**Sec. 4. Statement on cards.** Whenever any commercial feeding stuffs as defined in Section 1 is offered or exposed for sale in bulk or otherwise stored, the manufacturer, importer, jobber, firm, association, corporation or person keeping the same for sale shall keep on hand cards; said cards to be furnished by the manufacturer of the product, upon which shall be printed the statement required by the provisions of Section 2, and when such feeding stuffs are sold at retail in bulk or in packages belonging to the purchaser, the manufacturer, importer, jobber, firm, association, corporation or person shall furnish the purchaser cards upon which appears the statement required by the provisions of Section 2.

**Sec. 5. Deceptive brand or mark.** The state board of agriculture shall have power to refuse to register any commercial feeding stuffs under a name, brand or trade mark which would be misleading or deceptive, or which would tend to mislead or deceive as to the materials of which it is composed, or when the specific name of each and all ingredients used in its manufacture are not stated. It shall also have the power to refuse to register more than one commercial feeding stuffs under the same name or brand when offered by the same manufacturer, importer, jobber, firm, association, corporation or person. Should any commercial feeding stuffs be registered in this state, and it is afterward discovered that such registration is in violation of any of the provisions of this chapter, the state board of agriculture shall have the power to cancel such registration. The state board of agriculture shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial feeding stuffs during the term for which registered, unless satisfactory reasons are presented for making such change or changes.

**Sec. 6. One statement sufficient.** Whenever a manufacturer, importer, jobber, firm, association, corporation or person manufacturing or selling a brand of commercial feeding stuffs shall have filed the statement required by Section 3, no other agent, importer, jobber, firm,

association, corporation or person shall be required to file such statement.

Sec. 7. Access to premises—analysis of samples. The state board of agriculture is authorized in person or by deputy to have free access to all places of business, mills, buildings, carriages, cars, vessels, and parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any commercial feeding stuffs, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeding stuffs and to take therefrom such samples as he may deem necessary upon tender and full payment of the selling price of said samples, and said board shall cause to be analyzed as often as it may deem necessary at least one sample so taken of every commercial feeding stuffs that is found sold, offered or exposed for sale or distributed in this state.

Sec. 8. Certifying to prosecuting attorney—prima facie evidence. If it appears that any of the provisions of this chapter have been violated, the state board shall certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the results of the analysis or other examination of such feeding stuffs duly authenticated by the analyst or other officer making the determination, under the oath of such officer. In all prosecutions arising [under] the provisions of this chapter, certificates of the analyst or other officer making the examination or analysis, when duly sworn to by such officer, shall be prima facie evidence of the fact or facts therein certified.

Sec. 9. Penalty for violations—adulterations—seizure—release. Any manufacturer, importer, jobber, firm, association, corporation or persons who shall sell, offer or expose for sale or distribute in this state, any commercial feeding stuffs without having attached thereto or furnished therewith such labels, or tags, as required by the provisions of this chapter, or who shall use the required labels or tags, a second time, or use a counterfeit of such labels or tags, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said state board or its authorized agent in the performance of his duty in connection with the provisions of this chapter or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs as defined in Section 1, without complying with the requirements of the provisions of this chapter, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs which contains a smaller per centum of crude protein or crude fat, or a larger per centum of crude fiber than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture, shall be deemed guilty of a violation of the provisions of this chapter and upon conviction thereof shall be fined not more

than one hundred dollars (\$100.00) for the first violation and not less than one hundred dollars (\$100.00) for each subsequent violation. Any manufacturer, importer, jobber, firm, association, corporation or person who shall mix or adulterate any feeding stuffs with any substance or substances injurious to the health of livestock or poultry shall be deemed guilty of a violation of the provisions of this chapter, and in addition to the penalty provided in this section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale, as the court may direct; the proceeds from such sale to be covered into the state treasury. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this chapter have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure.

Sec. 10. Enforcement of chapter—tags, etc.—preventing sales. The state board of agriculture is hereby empowered to enforce the provisions of this chapter and to prescribe the form of tags, stamps or labels to be used and to prescribe and enforce such rules and regulations relating to the sale of commercial feeding stuffs as it may deem necessary to carry into effect the full intent and meaning of this chapter, and shall have power to prevent the sale within the state of any commercial feeding stuffs which may be made in whole or in part of any noxious weeds or seeds.

Sec. 11. Analyses by state chemist. It shall be the duty of the state chemist to analyze all samples of commercial feeding stuffs which may be submitted by the state board of agriculture and report in detail the results of his findings to the state board.

## CHAPTER 10.

### MISCELLANEOUS.

SECTION 8. Section amended. That Section 1920, Compiled Laws of Utah, 1917, be amended to read as follows:

1920. Dairy and food commissioner—commissioner of agriculture. The office of dairy and food commissioner is hereby created. The commissioner of agriculture shall be ex officio the dairy and food commissioner. He shall serve without salary other than that paid him as commissioner of agriculture.

Sec. 9. Penalty for violations. Any person, firm or corporation violating any rule of the state board of agriculture, when no other penalty is provided in this Act, shall be guilty of a misdemeanor.



Sec. 10. **Sections repealed.** That Sections 1888 to 1894, both inclusive, of the Compiled Laws of Utah, 1917; Section 1, Chapter 4, Laws of Utah, 1919, be and the same are hereby repealed.

Sec. 11. **Appropriated funds—disposition.** That all unexpended appropriations heretofore made, as well as all appropriations made at the fourteenth session of the legislature, to the state livestock commission, the crops and pests commission and dairy and food commissioner and the state inspector of apiaries, shall be expended by the state board of agriculture.

Sec. 11. This Act shall take effect upon approval.

Approved March 16, 1921.

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### CHAPTER 3.

Senate Bill No. 59.

Compiled Laws, 1917, p. 154.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

#### LEASES AND SALES OF LIVESTOCK.

An Act to amend Sections 130, 131, 132 and 133, Laws of Utah, 1917, relating to the filing of leases and agreements of sale retaining title to livestock.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Sections amended.** Sections 130, 131, 132, and 133, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

Sec. 130. **Leases acknowledged and recorded—interest, how affected.** All leases, and all contracts of sale or agreements to sell in which the title is retained in the vendor until the purchase price is paid in whole or part of more than twenty-five head of horses, twenty-five head of cattle, or one hundred head of sheep, shall be in writing, and must be acknowledged in the same manner as grants of real property, and such leases or agreements or copies thereof duly certified by an officer authorized by the laws of the state of Utah to take acknowledgments to conveyances of real property, shall be filed in the office of the county recorder of the county in which the lessee, or purchaser of the property, as the case may be, resides; and a failure to comply with the provisions of this section shall render the interest of the lessor or vendor as the case may be in said property, subject, subsequent and sub-

ordinate to the claims of the creditors of the lessee or purchaser as the case may be, and of subsequent purchasers and encumbrancers of the property in good faith and for value.

Sec. 131. **Indexing.** All leases and agreements so filed shall be indexed in the index of chattel mortgages, under the names of the lessees or purchasers, as the case may be, in the same manner that mortgagors in chattel mortgages are indexed.

Sec. 132. **Assignments, etc.—filing.** All assignments, cancellations or releases, and all other instruments affecting the property described in such lease or agreement, shall be filed with the county recorder in the same county where the lease or agreement or copy thereof is filed, and shall be attached by the county recorder to the lease or agreement or copy thereof so filed.

Sec. 133. **Fees.** The fee for filing leases or agreements or certified copies thereof, and of indexing the same shall be 50 cents; and the fee for filing any assignment, cancellation, release or other instrument affecting the property described in any such lease or agreement or certified copy thereof, and for attaching same to the instrument filed to which it relates, shall be 25 cents.

Approved March 17, 1921.

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## CHAPTER 4.

Senate Bill No. 37.

Compiled Laws, 1917, p. 170.

(Passed March 2, 1921. Approved March 9, 1921. In effect March 9, 1921.)

### BOARD OF ARCHITECTURE.

An Act amending Sections 278 and 279, Compiled Laws of Utah, 1917, relating to examinations and licenses to practice architecture, also repealing Sections 275, 276, 277, 280, 283, 287, 288 and 289, Compiled Laws of Utah, 1917, and adding Sections 279x and 279x1, relating to the state board of architecture.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 278 and 279, Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows:

278. **Architect—license—qualification.** Any applicant for a license to practice architecture, being of good moral character over the age of twenty-one years, upon payment of the required examination fee, shall

be entitled to an examination for determining his or her qualifications. All examinations must be made by, or under the direction of, the department of registration. Said examination shall have special reference to the construction of buildings, and a test of the knowledge of the candidate of the strength of materials, and of his or her ability to make practical application of such knowledge in the ordinary professional work of an architect, and in the duties of a supervisor in mechanical work on buildings, and shall also seek to determine his or her knowledge of the laws of sanitation as applied to buildings. If the result of the examination of any applicant shall be satisfactory to the department, it shall issue to said candidate, on payment of the required fee, a license to practice architecture in this state in accordance with the provisions of law, which license shall contain the full name of the applicant, and shall state that the said person is duly authorized to practice architecture in this state in accordance with the provisions of law. Said license shall be signed by the director of the department of registration and sealed with its seal.

**279. No examination, when—fee.** Any person of good moral character who shall, by affidavit, show to the satisfaction of the department of registration that he or she was engaged in the practice of architecture in the state of Utah on the date of the passage of this title, shall be granted by the board a license, without passing any examination, upon payment to the director of said department of a license fee of \$10.00; provided, however, that such application shall be made within three months from the date of the passage of this title. The license granted under the provisions of this section shall contain the full name of the applicant, and shall state that said person is duly authorized and licensed to practice architecture in this state in accordance with the provisions of this title, and shall be signed by the director of the department of registration and sealed with its seal.

**279x. Only licensed architect to use title.** Any person granted a license by the department of registration of the state of Utah may be styled or known as a licensed architect. No other person shall assume such title, or the title architect, or use the abbreviation L. A., or any other words, letters or figures to indicate that the person using the same is a licensed or registered architect, or an architect.

**279x1. Penalty.** Any violation of any provision of this title shall be a misdemeanor.

**Sec. 2. Sections repealed.** That Sections 275, 276, 277, 280, 283, 285, 287, 288 and 289 of the Compiled Laws of Utah, 1917, be and the same are hereby repealed.

**Sec. 3.** This Act shall take effect upon approval.

Approved March 9, 1921.



## CHAPTER 5.

Senate Bill No. 38.

Compiled Laws, 1917, p. 184; Laws, 1919, p. 3.

(Passed March 2, 1921. Approved March 8, 1921. In effect March 8, 1921.)

## STATE BOARD OF BARBER EXAMINERS.

An Act amending Sections 367, 368, 370, 371, 372, 373, 374, 375 and 376 and repealing Sections 360, 361, 362, 363, 364, 365, 366 and 369, Compiled Laws of Utah, 1917, as amended by Chapter 3, Laws of Utah, 1919, relating to state board barber examiners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 367, 368, 370, 371, 372, 373, 374, 375 and 376, Compiled Laws of Utah, 1917, as amended by Chapter 3, Laws of Utah, 1919, are hereby amended to read as follows:

367. Report contagious disease—afflicted person not served. Fumigation. No person practising barbering in this state shall knowingly serve a person afflicted with any contagious or infectious disease, but it shall be his duty to report the case to the state board of health, or local health officer. No person so afflicted shall be served or apply for service in any barber shop or school in this state, until he has first obtained a clean bill of health from a medical practitioner. The secretary of the state board of health, and his deputy or deputies shall each of them have authority to fumigate, at the expense of the person in charge, any barber shop or school where any contagious or infectious disease has been contracted, or where a person having such disease has been barbered.

368. License required. It shall be unlawful for any person to practice barbering in this state unless he has first been registered and has obtained a license, permit or apprentice card from the department of registration.

370. License—qualifications—fee. Any person desiring to obtain a license under this Act shall make application in writing, verified under oath, to the department of registration and shall pay to the department an examination fee, and shall present himself at the time specified for the examination of applicants; all examinations shall be given by, or under the supervision of, the department of registration. If the department is satisfied that the applicant is above the age of eighteen years, of good moral character, free from contagious or infectious disease (certified to by a legally qualified physician), that he has studied and practiced barbering for one year in this state as a registered

apprentice under a licensed practicing barber, or has practiced barbering in another state for three years, and that he is possessed of requisite skill to properly perform all the duties thereof, including ability in the preparation of tools, hair cutting, shaving and other duties and services incident thereto, and that he is possessed of sufficient knowledge of diseases of the face and skin to recognize them and refuse service, and that he has a thorough knowledge of the sanitary requirements of a barber shop or school in this state; said department of registration shall thereupon issue him a license, authorizing him to practice barbering in this state; provided, that if the applicant fails to qualify in workmanship or sanitary knowledge, he may continue to practice as an apprentice, under a licensed barber, until some subsequent examination designated by the department of registration, when he shall again be examined upon payment of an additional fee of \$5.00.

371. **Temporary permit—transient—fee.** A permit may be issued by the department of registration to any eligible applicant for examination, other than an apprentice, upon the payment of the aforesaid examination fee, and said permit shall allow him to practice under a licensed barber, until the next examination for barbers at which he shall appear for examination. In case of failure to appear at such examination (except for sickness duly attested by legally qualified physician, or equally good reason), said applicant's permit shall be cancelled and his fee forfeited. A transient permit may, upon payment of a fee of \$1.00, be issued to any person presenting a license from a barber board of another state, or similar proof of qualification, which transient permit shall allow holder to practice for seven days from date of said transient permit. This permit shall not entitle its holder to examination, nor be part payment on examination fee.

372. **Cards to be furnished—posting—renewals.** The department of registration shall furnish to each person to whom a license is issued, and on subsequent renewals thereof, a card bearing the seal of the department and the signature of the director, and the year for which issued, certifying that the holder thereof is entitled to practice barbering in this state. Said department shall also furnish to each apprentice a card of apprenticeship. It shall be the duty of each barber, and of each apprentice, to post his card or permit in plain view in front of his working chair so that it may readily be seen by all persons whom he may serve. Said card shall be renewed annually, according to the rules and regulations prescribed by the department of registration, and the holder of said card shall pay to said department a renewal fee for such renewal card. Upon the failure of any barber or apprentice to apply for a renewal of his card on or before the time prescribed by said department, his license or apprentice card may be revoked by said department.

373. **Barber schools.** A barber school is hereby declared a school conducted by suitable persons who are authorized to practice barbering in this state, in which all instruction is given by competent persons so authorized, and in which the course and period of training shall comply with the rules and regulations of the department of registration specifically adopted for the government of barber schools.

374. **Apprentice—file statement—fee.** An apprentice is a person who receives instruction in a barber school or from a barber authorized to practice barbering under this Act. Any person may become an apprentice and receive instruction as aforesaid by complying with the provisions of law applicable to him. Every apprentice must file with the department of registration a statement in writing showing the name and place of business of his instructor or school, the date of commencement of apprenticeship, and the full name and age of said apprentice, and shall pay to said department a fee of \$2.50, whereupon said department shall issue to said apprentice a card as provided in Section 372. Said card shall be renewed on or before the first day of July of each year and the holder of said card shall pay to the department of registration a fee of \$1.00 for each such renewal.

375. **Revocation of license—appeal—regranting license.** The department of registration may revoke the license of any barber, for (a) a conviction of crime, (b) habitual use of intoxicants or narcotics, (c) contagious or infectious disease, (d) gross incompetency, (e) any extortion or overcharge, (f) the keeping of a shop and its furnishings, or the tools, utensils or appliances used therein, in an unclean or unsanitary condition, (g) failure to comply with the requirements of Section 372; provided, that before any license or apprentice card shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have a reasonable opportunity to be heard in his defense; provided further, that upon the revocation of any certificate, the holder thereof may appeal said matter to the district court of the county in which he resides, in the manner as is now or may hereafter be provided for appeals from justices' courts, and such laws are hereby made applicable. The department of registration shall send the files and a copy of the minutes in the matter before the department of registration to the clerk of the district court of the county in which the appeal is taken, and such minutes and files shall constitute the records on appeal. Any person whose license or apprentice card has been revoked may, after the expiration of thirty, sixty or ninety days, at the discretion of the department of registration, apply to have same regranted, and the same shall be regranted to him upon a satisfactory showing that the disqualification has ceased.



376. **Certificate of registration—fee.** Any person, firm or corporation who now or hereafter conducts a barber shop or barber school shall secure from the department of registration a certificate of registration, and shall pay to the said department a fee of \$1.00 for same.

Sec. 2. **Sections repealed.** Sections 360, 361, 362, 363, 364, 365, 366 and 369, Compiled Laws of Utah, 1917, as amended by Chapter 3, Laws of Utah, 1919, are hereby repealed.

Sec. 3. **This Act shall take effect upon approval.**

Approved March 8, 1921.

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## CHAPTER 6.

House Bill No. 18.

Compiled Laws, 1917, p. 191; Laws, 1919, p. 14.

(Passed February 16, 1921. Approved February 23, 1921. In effect February 23, 1921.)

### ADULT BLIND.

**An Act amending Section 430, Compiled Laws of Utah, 1917, and repealing Sections 425, 426, 427, 428, 429 and 431, Compiled Laws of Utah, 1917, and Chapter 5, Laws of Utah, 1919, relating to the care of the adult blind.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **Section amended.** That Section 430, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

430. **Adult blind defined—trustees of school for the deaf—control—duties.** The term “adult blind” shall be construed to mean only blind persons of the age of twenty-one years and over. The trustees and officers of the Utah school for the deaf are hereby constituted the trustees and officers for the care of the adult blind, and the board of trustees of the Utah school for the deaf, as such board, shall succeed to the control and management of all property and claims thereto which may have accrued to the Utah commission for the adult blind. The said board of trustees shall prepare and maintain a register of the adult blind in Utah, which shall contain such facts as the said board may deem important; it may establish, equip and maintain, such homes and workshops for the industrial training of the adult blind as shall be deemed necessary, and furnish needed materials and tools therefor, and aid in the marketing of the handiwork and products thereof. All provisions of law governing

the Utah school for the blind and the Utah school for the deaf, as far as applicable and except as these apply specifically to the blind who are under twenty-one years of age, shall apply to the care of the adult blind.

Sec. 2. Sections repealed. Sections 425, 426, 427, 428, 429, and 431, Compiled Laws of Utah, 1917, and Chapter 5, Laws of Utah, 1919, relating to the care of the adult blind, are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved February 23, 1921.

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## CHAPTER 7.

House Bill No. 209.

Compiled Laws, 1917, p. 193; Laws 1919, p. 14.

(Passed March 7, 1921. Approved March 12, 1921. In effect March 12, 1921.)

### STATE BOUNTY FUND.

An Act amending Sections 435, 436, 438 and 442, Compiled Laws of Utah, 1917, as amended by Chapter 6, Laws of Utah, 1919, relating to bounties for predatory animals, and enacting a new section designated as 436x.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—addition. That Sections 435, 436, 438 and 442, Compiled Laws of Utah, 1917, as amended by Chapter 6, Laws of Utah, 1919, be amended and a new section added numbered 436x to read as follows:

435. Bounty tax—fund—disbursing—transfer of appropriation for sheep scabies. The board of county commissioners of each county in the state are hereby authorized, and they shall, at the time of the annual levy of taxes, levy a tax of one and one-half mills on the dollar on all sheep and goats, and one mill on the dollar on all range horses and cattle, and one mill on the dollar on domestic cattle, according to the assessed valuation of the same, said tax to be collected as other taxes and paid into the state treasury. The state treasurer shall keep the same, in a separate fund known as a state bounty fund, and pay the same out upon the state auditor's warrant as hereinafter provided; provided, that when said state bounty fund is exhausted, there shall be no further warrants issued against the same, and the state auditor shall immediately notify the clerks of the several counties that said fund is exhausted, and they shall thereafter receive no application for warrants, or issue certificates thereon.

\$30,000 of the unexpended state bounty fund heretofore appropriated is hereby transferred to a special fund to be used by the state board of agriculture for the eradication of sheep scabies.

436. **Bounties—rates.** Bounties shall be paid for the destruction of the following designated animals, to wit: For each bear, \$30.00; mountain lion or cougar, \$30.00; grey, black or timber wolf, so destroyed, \$62.50; for each coyote, \$4.00; for each lynx, or bobcat, so destroyed, \$3.00; for each jack rabbit or white hare, five cents.

436x. **Payment for rabbits and hares—county limit. Record.** The person or persons who shall hereafter kill any jack rabbits or white hares, in order to receive the bounty mentioned in the next preceding section, shall present the scalp with the ears attached of such jack rabbits, or white hares, to the county clerk of the county in which such jack rabbits, or white hares, were killed and it shall be the duty of such county clerk to diligently examine such person or persons and such other witnesses as said clerk may deem proper on oath or affirmation, touching the time, when, and place where such jack rabbits or white hares, were so killed and the circumstances thereof. If upon such examination the county clerk shall be satisfied that such jack rabbits or white hares, were killed by the person or persons producing the scalp with ears attached of such jack rabbits or white hares, as mentioned in Section 436, within the limits of the county for which said county clerk was qualified to act, he shall immediately destroy, by burning, such ears so presented and shall issue a warrant on the treasurer of said county for the reward offered in accordance with the provisions of this chapter, to the person or persons producing such scalp with ears attached, provided that no payments shall be made where the bounties for such scalps with ears attached are presented, would be less than one dollar. The county clerk of each county shall keep on file an itemized receipted statement showing the number of jack rabbits or white hares, the district in which they were killed, and the amount of the bounty paid therefor, signed by the party receiving the bounty.

438. **Clerk to present account—payment—federal co-operation.** The county clerk of each county shall keep a true account of the moneys paid out under this chapter and whenever the amount so paid reaches the sum of \$50.00, or more, the clerk shall present said account, sworn to by him as being true and correct, to the state auditor, who shall draw his warrant upon the state treasurer, who shall pay the same out of the state bounty fund. Provided, that the state board of agriculture is hereby authorized to expend 50 per cent of the state bounty fund, including unexpended balances, in co-operation with the federal government, for the eradication of rabies and the destruction of predatory wild animals.



442. State auditor—payment—state board of agriculture—federal co-operation. Upon receipt of the papers in this chapter hereinbefore provided, the state auditor shall examine the same, and if he shall find the certificates, affidavits, and other papers are in conformity with the provisions of this chapter, he shall draw a warrant in favor of the person entitled to the same upon the state treasurer for the amount shown by said certificate to be due, and shall deliver or transmit the same to the persons entitled thereto. Provided, that if the certificate issued by any county clerk in payment of bounty is not presented to the state auditor within two years from date, the same shall be cancelled and a state warrant shall not issue therefor. Provided, further, that the necessary expense of administering the bounty fund in the state auditor's office shall be paid from that fund. The state board of agriculture is hereby authorized to expend from the county fund not to exceed \$6,000.00, in co-operation with the federal government for the purchase of poison, for the destruction of rabbits and rodents.

Sec. 2. This Act shall take effect upon approval.

Approved March 12, 1921.

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## CHAPTER 8.

Senate Bill No. 10.

Compiled Laws, 1917, p. 204.

(Passed February 21, 1921. Approved March 10, 1921. In effect May 10, 1921.)

### CLASSIFICATION OF CITIES AND TOWNS.

An Act to amend Sections 525 and 526, Compiled Laws of Utah, 1917, relating to classification of cities and towns and outlining the procedure by which a city or town changes from one classification to another.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 525 and 526, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

525. Three classes. Municipal corporations in this state now existing, and those hereafter organized, are hereby divided into three classes. Those cities having 50,000 or more inhabitants shall be known as cities of the first class; those cities having more than 7000 and less than 50,000 inhabitants shall be known as cities of the second class; and all other cities shall be known as cities of the third class.

526. **Change of class—exception.** Whenever any city of the second class shall have attained the population of 50,000 or more, or any city of the third class, or town, shall have attained the population of 7000 or more, as ascertained and determined by a national or state census it shall be the duty of the mayor or president of the board of trustees to certify such fact to the governor. Upon receipt of such certificate the governor shall declare by public proclamation, such city or town to be of the first or second class, as the case may be, and such city or town, thus changed, shall be governed by the provision of this title applicable to cities of the class to which such city or town has been changed; provided, that any city of the second class heretofore existing shall remain a city of the second class with all the powers and rights thereof both as to school district and municipal government as provided by law for cities of the second class.

Approved March 10, 1921.

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## CHAPTER 9.

Senate Bill No. 77.

Compiled Laws, 1917, p. 209.

(Passed March 2, 1921. Approved March 9, 1921. In effect May 10, 1921.)

### SPECIAL IMPROVEMENT GUARANTEE FUND.

**An Act providing for the creation and maintenance by cities and towns of a guarantee fund for the protection of bonds or warrants issued for local improvements.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Improvement guarantee fund.** Any city or town which has issued, or may hereafter issue, any special improvement bonds or warrants, shall by appropriation from the general fund or by the levy of a tax of not to exceed one mill in any one year, or by the issuance of general obligation bonds, or by appropriation from such other sources as may be determined by the board of commissioners, or city council, or board of town trustees, as the case may be, create a fund for the purpose of guaranteeing, to the extent of such fund, the payment of bonds or warrants and interest thereon, issued against local improvement districts for the payment of local improvements therein. Such fund shall be designated as "Special Improvement Guarantee Fund."

Sec. 2. **Excess interest charges and penalties.** All excess interest charges and penalties collected by the city or town for the benefit or credit of any special improvement fund and remaining on hand after all the bonds or warrants, together with interest thereon, drawn against said special improvement fund shall have been fully paid and cancelled, shall be transferred by the treasurer to the said special improvement guarantee fund.

Sec. 3. **Improvement bond or warrant—payment.** When any bond, warrant or coupon drawn against any special improvement fund is presented to the city or town for payment, and there is not a sufficient amount in said special improvement fund against which it is drawn to pay the same, unless otherwise requested by the holder payment therefor shall be made by warrant drawn against the special improvement guarantee fund.

Sec. 4. **Sale of property—redemption proceeds.** In the event that any property is sold to the city at tax sales or under foreclosure for delinquent special improvement taxes, said purchase shall be made by warrant drawn against the special improvement guarantee fund. All proceeds from the redemption or sale of property sold under foreclosure or of certificates of tax sale held by the city or town shall be paid into the special improvement guarantee fund.

Sec. 5. **Replenishing fund—interest—tax levy.** Whenever there is not a sufficient amount of cash in said special improvement fund at any time to make any and all purchases of property bid in by the city or town at sales of property for delinquent special improvement taxes, the board of commissioners, or city council, or board of town trustees, as the case may be, may replenish said special improvement guarantee fund by transfer or appropriation from the general fund of the city or town, or other available sources as may be determined by said board of city commissioners, or city council, or board of town trustees. Warrants drawing interest at a rate of not to exceed eight per cent (8%) per annum may be issued against said fund to meet any financial liabilities accruing against it; but at the time of making its next annual tax levy, the city or town shall provide for the levy of a sum sufficient with the other resources of the fund to pay warrants so issued and outstanding, the tax for this purpose not to exceed one mill in any one year.

Sec. 6. **City right subrogated.** Whenever the city or town shall have paid under its guarantee any sum on account of principal or interest on the bonds or warrants of any district, it shall be subrogated to the rights of the holders of such bonds or warrants or interest coupons so paid, and such bonds or warrants or coupons, and the proceeds thereof, shall become a part of the guarantee fund.



Sec. 7. This Act shall take effect upon approval.

Approved March 9, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

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## CHAPTER 10.

House Bill No. 27.

Compiled Laws, 1917, pp. 219, 260, 413, 1581.

(Passed February 25, 1921. Approved March 9, 1921. In effect May 10, 1921.)

### CEMETERY LOTS MAINTENANCE.

An Act making the state treasurer trustee of money left by instruments in writing for the perpetual care, maintenance and improvements of cemeteries, and cemetery lots.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Cemetery maintenance fund—deposit. That money which has been or shall be declared by an instrument in writing to be intended for the perpetual care, maintenance, improvement or embellishment of any cemetery in the commonwealth, or of any lots therein, to an amount not less than \$50.00 may be deposited with the state treasurer, who shall, in the name of the state, receive and receipt for it. The depositors shall, at the time of making such deposit, file with the treasurer, and with the secretary of state, a copy of the instrument which declares the purpose for which the money so deposited is intended to be applied. If the cemetery belongs to a corporation the deposit shall be accompanied by a written agreement signed by the president of the cemetery corporation to the effect that the cemetery corporation will accept the income derived from the fund so deposited, and will apply it to the purposes designated by the depositor as set forth in the instrument filed with such deposit.

Sec. 2. Investing fund—interest. The state treasurer shall invest the money which may be deposited with him under the provisions of the preceding section, in the name of the state, in bonds or other obligations of the state, or the United States, or in securities in which he is authorized to invest money in behalf of the state and semi-annually in each year he shall pay over the accrued interest thereof to the treasurer of any association which owns the cemetery, for the care, maintenance or improvements thereof, or for the care, maintenance or improvements of any cemetery lot where money has been deposited for that purpose. If such cemetery is not owned by any association, such interest shall be paid to the city

or town in which the cemetery is located. At the time of paying such interest, the treasurer shall inform the person to whom it is paid of the purpose to which it is to be applied, as stated in the copy of the instrument which is filed with him, and the person to whom it is paid shall apply it to such purpose.

Approved March 9, 1921.

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## CHAPTER 11.

Senate Bill No. 82.

Compiled Laws, 1917, p. 219.

(Passed March 9, 1921. Approved March 10, 1921. In effect May 10, 1921.)

### CITIES—QUARANTINE AND GARBAGE.

**An Act to amend Section 570x64, Compiled Laws of Utah, 1917, relating to powers of boards of commissioners and city councils.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section 570x64, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

Sec. 570x64. Quarantine—garbage—no exclusive right to collect. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within twelve miles thereof. To create a board of health and prescribe the powers and duties of the same. Provided, however, that the board of commissioners or city council of any city shall not, by any ordinance, contract, rule or regulation, prevent or seek to prevent any person, firm or corporation from transporting through the streets, avenues, alleys or public thoroughfares of any city, garbage, kitchen refuse or the by-products of the business of such person, firm or corporation, or from selling or otherwise disposing of such garbage, kitchen refuse or by-products, except under such uniform and reasonable regulations as the board of commissioners or city council may by ordinance prescribe for the removal, hauling and disposal of the same by the owner thereof; and no city shall grant to any person, firm or corporation the exclusive right to collect or transport through the streets, avenues, alleys or public thoroughfares of such city any such garbage, kitchen refuse or by-products; provided, further, that any city shall have the power to prescribe, by ordinance, that any such garbage, kitchen

refuse or by-product which may be deemed deleterious to the public health may be taken by such city and burned or otherwise destroyed by such city.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1921.

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## SECTION 12.

House Bill No. 135.

Compiled Laws, 1917, p. 235.

(Passed March 10, 1921. Approved March 21, 1921. In effect March 21, 1921.)

### CITIES—POLICE DEPARTMENT PENSIONS.

An Act to provide pensions for employees of police departments in cities of the first and second class.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Pensions for policemen. Any person who shall have reached the age of sixty (60) years or upwards and who shall have been continuously in the service of the police department of any city in this state of the first and second class for fifteen (15) years next prior to the reaching of such age, and who shall have served altogether not less than twenty (20) years in said department in any one of such cities, may at his request or at the option of the city commissioners or city council be retired, and every person so retired shall receive from the city retiring any such person a pension of \$30.00 dollars per month so long as any such person shall live.

Sec. 2. This Act shall take effect upon approval.

Approved March 21, 1921.



## CHAPTER 13.

House Bill No. 136.

Compiled Laws, 1917, p. 235.

(Passed March 9, 1921. Approved March 21, 1921. In effect March 21, 1921.)

## CIVIL SERVICE COMMISSION IN CITIES.

An Act to repeal Sections 658, 660 and 663, Chapter 12, Title 16, Compiled Laws of Utah, 1917, and to amend said chapter by adding new sections to be known as Sections 666 to 666x14, providing for a civil service commission in cities of the first and second class for police and fire departments; defining the qualifications, duties and salary of said commission, and providing classified civil service for employees of said departments in said cities and prescribing rules and regulations therefor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections repealed. That Sections 658, 660 and 663, Compiled Laws of Utah, 1917, be and the same are hereby repealed.

Sec. 2. Sections added. That Chapter 12, Title 16, Compiled Laws of Utah, 1917, be and the same is hereby amended by adding to and as a part thereof, Sections to be known as 666 and 666x14, inclusive, which sections shall read as follows:

Sec. 666. Cities of first and second class—classified civil service. The head of each department shall, by and with the advice and consent of the board of city commissioners or city council, as the case may be, and subject to the rules and regulations of the civil service commission, appoint from the classified civil service list furnished by the civil service commission, all subordinate officers, employees, men or agents in said department, and in like manner fill all vacancies in the same.

Sec. 666x1. Civil service commission—appointment. There is hereby created a civil service commission, consisting of three members, for each city of the first and second class in this state. The mayor of each city affected by this Act shall, within 30 days after this Act shall have become effective, appoint, with the advice and consent of the board of city commissioners or city council, as the case may be, one member of said civil service commission to serve until July 1, 1922; another member to serve until July 1, 1924, and a third member to serve until July 1, 1926. In the month of June, 1922, and each second year thereafter, one member shall in like manner be appointed for the term of six years, to take the place of the member whose term shall next expire. If a vacancy occurs in the civil service commission, it shall be filled by appointment by the mayor, with the advice and consent of the board of city commissioners or city council, as the case may be, for the unexpired term.

**Sec. 666x2. Political lines—compensation—removal.** Not more than two members of the civil service commission shall, at any one time, be of the same political party. No member of the civil service commission shall, during his tenure of office, hold any other public office, nor shall he be a candidate for any other public office. Each member of the civil service commission shall receive five (\$5.00) dollars for each meeting of the said commission which he shall attend, provided that he shall not receive more than forty (\$40.00) dollars in any one month. In cases of misconduct, inability or willful neglect in the performance of the duties of the office by any member of the civil service commission, such member may be removed from the office by the board of city commissioners or city council, as the case may be, by a majority vote of the entire membership thereof, but such member of the civil service commission shall, if he so desires have the opportunity to be heard in defense.

**Sec. 666x3. Organization—duties—accommodations.** The civil service commission shall organize by selecting one of its members as chairman and shall appoint as secretary one of the officers or employees of the city available for such service, who shall act and serve without additional compensation, who shall keep a record of all meetings of the civil service commission and the work of said commission and shall perform such other services as said commission may require, and who shall have the custody of the books and records of said commission. The board of city commissioners or city council, as the case may be, shall provide suitable accommodations and equipment to enable the civil service commission to attend properly to its business.

**Sec. 666x4. Include police and fire departments—exception.** The classified civil service shall consist of all places of employment now existing or hereafter created in or under the police department and the fire department of each city of the first and second class in this state except the head of each of said departments. No appointment to any of the places of employment in the said departments shall be made except under and according to law and the rules and regulations of the civil service commission. The head of each of said departments may be appointed from the classified civil service and upon the expiration of his term or upon appointment of a successor may be returned thereto.

**Sec. 666x5. Rules by commission.** The civil service commission shall make, and it is hereby empowered to make, all necessary rules and regulations to carry out the purposes of this civil service law and for examinations, appointments and promotions. All such rules and regulations shall be printed by the civil service commission for distribution.

**Sec. 666x6. Examinations.** All applicants for places of employment in the classified civil service shall be subject to examination, which shall be public, competitive and free, and shall be held at such times and places

as the civil service commission shall from time to time determine. Such examination shall be for the purpose of determining the qualifications of applicants for positions and shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health.

**Sec. 666x7. Commission to be notified—on probation.** In all cases the appointing power shall notify the civil service commission of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the said commission therefor. Such appointment shall be on probation of a character and for a period to be prescribed by the civil service commission.

**Sec. 666x8. Certify eligibles—re-examination in two years.** Whenever a position in the classified civil service is to be filled, the civil service commission shall, as soon as possible, certify to the appointing power the names of three times the number of persons necessary to fill such position; provided, that said commission shall always certify the persons having the highest standing in the eligible list for the position to be filled; and provided, further, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom and can only be returned thereto upon regular examination.

**Sec. 666x9. Promotions for merit.** The civil service commission shall provide for promotion in the classified civil service on the basis of ascertained merit, seniority in service and standing obtained by competitive examination, and shall provide, in all cases, where practicable, that vacancies shall be filled by promotion from among such members of the next lower rank as submit themselves for such examination for promotion. The civil service commission shall certify to the appointing power the names of not more than three applicants having the highest rating for each promotion.

**Sec. 666x10. Present employees of over one year retained.** All persons who, at the time this law shall take effect, shall then be and shall have been continuously for at least one year next prior thereto in the employ of the police or fire department of any city of the first and second class, shall retain their respective employment, subject however to removal or suspension in accordance with law and the rules and regulations of the civil service commission.

**Sec. 666x11. Temporary appointments.** The head of each of said departments by and with the advice and consent of the board of city com-



mission or city council, as the case may be, may employ any person for temporary work only, without making such appointment from the certified list; but such appointment of any such person shall not be longer than one month in the same calendar year, and under no circumstances shall such temporary employee be appointed to a permanent position unless he shall have been duly certified by the civil service commission as in other cases.

Sec. 666x12. **Removals—appeals—hearings.** All persons in the classified civil service shall be subject to removal from office or employment by the head of the department for misconduct, incompetency or failure to perform his duties or failure to observe properly the rules of the department; but subject to the appeal of the aggrieved party to the civil service commission. Any person discharged may within five (5) days from the issuing by the head of the department of the order discharging him, appeal therefrom to the civil service commission, which shall fully hear and determine the matter. The discharged person shall be entitled to appear in person and to have counsel and a public hearing. The finding and decision of the civil service commission upon said hearing shall be certified to the head of the department, from whose order the appeal is taken and shall be final, and shall forthwith be enforced and followed by him.

Sec. 666x13. **Annual report.** The civil service commission shall in December of each year make an annual report to the board of city commissioners or city council, as the case may be, and as many special reports as said board of city commissioners or city council, as the case may be, shall from time to time request.

Sec. 666x14. **Acts repealed.** All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 21, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the Senate.)

## CHAPTER 14.

House Bill No. 167.

Compiled Laws, 1917, p. 237; Laws, 1919, p. 22.

(Passed March 9, 1921. Approved March 12, 1921. In effect March 12, 1921.)

## ANNUAL TAX LEVIES IN CITIES.

An Act amending Section 671, Compiled Laws of Utah, 1917, as amended by Chapter 13, Session Laws of Utah, 1919, relating to annual tax levies in cities.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Section 671, Compiled Laws of Utah, 1917, as amended by Chapter 13, Session Laws of Utah, 1919, is hereby amended to read as follows:

671. Annual levy—limitations—purposes. Not later than the second Monday in August of each year the city council, or the city commission, at a regular meeting thereof, shall, by ordinance or resolution, levy on the real or personal property within the city made taxable by law:

1. Not to exceed 2 mills on the dollar to defray contingent expenses; provided, that, in cities of the second class, under 20,000 inhabitants, and cities of the third class not to exceed 5 mills may be levied.

2. Not to exceed 4 mills on the dollar to purchase water sources, streams and the land upon which said streams are appropriated and canals; to construct waterworks, and to supply water for irrigation and other purposes.

3. Not to exceed 2 mills on the dollar to open, improve and repair the streets and sidewalks, provided, that in cities of the third class not to exceed 5 mills may be levied.

4. Not to exceed 2 mills on the dollar to construct and repair sewers and drains.

5. Not to exceed 3.5 mills on the dollar to construct and maintain gas works, electric light works, telephone lines, street railways, or bath houses.

6. Not to exceed 5 mills for the erection and maintenance of city or town halls, or memorials.

Sec. 2. This Act shall take effect upon approval.

Approved March 12, 1921.

## CHAPTER 15.

Senate Bill No. 79.

Compiled Laws, 1917, pp. 237, 246

(Passed March 2, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## SPECIAL TAXES IN CITIES.

An Act to amend Sections 673, 674, 676, 683, 691, 695 and 699, Compiled Laws of Utah, 1917, relating to special taxes, and to repeal Sections 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730 and 731, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 673, 674, 683, 691, 695 and 699, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

673. Local improvements. The board of commissioners or city council of any city and the board of trustees of any town in the state of Utah shall have the following powers: To lay out, establish, open, extend, widen any street or alley, and improve, repair, light, grade, pave, curb and gutter, sewer, drain, park and beautify the same, and to establish grades, construct bridges, sidewalks, crosswalks, driveways from curb to property line, culverts, lighting equipment, sewers and drains, plant or cause to be planted, set out, cultivated and maintained lawns, grass and shade trees in the parking spaces therein, and to maintain, replace or renew any such improvements.

674. Special taxes—except ordinary repairs. To defray or cause to be defrayed the cost and expense of such improvements or any of them, the board of commissioners or city council of any city, or the board of trustees of any town, shall have the power and authority to levy and collect special taxes and assessments upon the blocks, lots or parts thereof and pieces of ground fronting or abutting upon, or adjacent to the street or alley thus in whole or in part opened, widened or improved, as aforesaid, or which may be affected by or specially benefited by any of such improvements, either to the full depth of such blocks, lots or parts thereof, or pieces of ground, or to such depth as may be determined by such city commission, city council or board of town trustees, and such board of commissioners, city council, or board of town trustees, for the purpose of providing for such improvements, or any of them, shall have power to create improvement districts, and to contract for the making of such improvements in such district, such contract, except for opening, widening or extending of streets or alleys, to be let to the lowest responsible bidder for the



kind of material or service chosen; provided, that the above provisions shall not apply to the ordinary repairs of pavement, sewer, drains, curb and gutter or sidewalk, and provided one-half the cost of bringing streets or alleys to establish grade, shall be paid by the city or town.

676. **Special tax—proportion—collection—installments—interest—pay to contractor—default—errors.** The assessment of special taxes for special improvements shall be made as follows: That part of the cost of engineering, inspection, publishing and mailing notices, making the tax levy, and any incidental costs upon any such improvement above ten per cent of the contract price of such improvement, shall be paid out of the general funds of the city or town. The total cost of the improvement which shall include the interest on interim warrants and the total contract price, plus an amount equal to, but not exceeding ten per cent thereof, to cover the actual cost of engineering, inspection, publishing and mailing notices, and making the levy, shall be levied at one time upon the property and become due in not more than ten equal annual installments, as may be provided in the ordinance levying the tax, with interest on the whole sum unpaid at not to exceed the rate of seven per cent per annum until due and thereafter at the rate of twelve per cent per annum until paid, payable annually; provided, that where the assessment is for light service or park maintenance, interest shall be charged only from and after the due date of each installment, which date for first installment shall be fifteen days after date on which the levy becomes effective. One or more of such installments in the order payable, or the whole tax may be paid, without interest, within fifteen days after such ordinance becomes effective. All sums so collected shall be paid to the contractor having the contract to make the improvement, to pay for which such tax is levied, less not exceeding ten per cent to be retained by the city or town on account of levying, engineering, inspecting, publishing notices and other expenses by the city or town incident to such improvement and the levy and collection of such tax. One or more installments in the order in which they are payable, or the whole special tax, may be paid after said fifteen days and before the first installment becomes due, by paying the same with interest from the date of levy to the date such first installment is due. One or more installments in the order in which they are made payable, or the whole special tax may be paid on the day any installment becomes due, by paying the amount thereof and interest to the date of payment. Default in the payment of any such installment of principal or interest, when due, shall cause the whole of the unpaid principal or interest to become due and payable immediately, and the whole amount of the unpaid principal shall thereafter draw interest at the rate of twelve per cent per annum until paid, but at any time prior to the date of the sale or foreclosure the owner may pay the amount of all unpaid installments past due, with interest at the rate of twelve per cent per

annum, to the next installment date, and all accrued costs, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. In case of omissions, errors, or mistakes, in making such assessment or levy in respect of the total cost of the improvement, or deficiencies, or otherwise, it shall be the duty of the city commission, city council or board of town trustees, to make, and it shall make, a supplemental assessment and levy to supply such deficiencies, omissions, errors, or mistake.

**683. Board of equalization—notice—report—adjustment.** Whenever any city commission, city council or board of town trustees shall propose to levy any tax under the provisions of this title, it shall, before doing so, appoint a board of equalization and review to consist of three or more of its members, which said board shall, upon the completion of the lists of the property in any of the district's taxes, give public notice of the completion of such lists. Such notice shall be published at least one day in a newspaper printed in the city or town or posted in three public places in the manner provided for publication, or posting of notice of intention to make the improvement and shall contain the date on which said board shall begin its sittings, which date shall be at least five days from the date of publishing or posting such notice. Such notice shall state the time and place of meeting of said board, which shall be during the usual business hours, and for not less than three consecutive days, and during the time specified said lists shall be open to public inspection, and any person feeling aggrieved shall have a hearing and such board shall have authority to make corrections in any proposed assessment, and after said board shall have met for at least three days, it shall make a report to the city commission, city council or board of town trustees appointing it, of any changes or corrections made by it in the assessment list, and upon such report being made to it, such city commission, city council or board of trustees may proceed with the levy of such tax. Every person whose property is liable to be assessed, and who fails to appear before such board of equalization and review and make any and every objection he may have to the levy of such tax, shall be deemed to have waived all and every objection to such levy except the objection that the city commission or city council of any city, or board of trustees of any town failed to obtain jurisdiction to order the making of the improvement to pay the cost and expense for which such tax is levied.

**691. Notice to improve—protests.** In all cases before making any of the improvements or levying any taxes, as provided in this title, the city commission or city council of any city, or board of trustees of any town, shall give notice of the intention to make such improvement or improvements and levy such tax, which notice shall state the purpose for which the taxes are to be levied, the boundaries of the district to be affected or benefited by the improvements, and in a general way describe the

improvements proposed to be made, with the estimated cost as determined by the engineer of such city or town and may designate one or several different kinds of service or of materials or forms of construction. Such notice shall be published for a period of at least twenty days in each issue of a newspaper published in such city or town; provided, that where no newspaper is published in such city or town, the city commission, city council or board of town trustees may provide for publication of such notice by posting in at least three public places in such city or town, the notice so posted to remain posted for at least twenty days. Such notice shall designate a time within which protests shall be filed with the city recorder of such city or the clerk of such town board. Each person who is the owner of property to be assessed in the district mentioned in such notice, shall have the right to file in writing a protest against making such improvement or improvements. If, at or before the time fixed in such notices, written objections to the making of such improvement or improvements and the levy of such tax, signed by the owners of two-thirds of the front feet or square feet located by lots and blocks of the property fronting or abutting on or adjacent to the streets or public alleys to be improved, or especially affected or benefited thereby, be filed with the city recorder of said city, or the clerk of the board of trustees of such town, then such proposed improvements shall not be ordered made. If the owners of two-thirds of the property mentioned do not file such objections, then the city commission, city council or board of trustees shall have jurisdiction to order the making of the improvements mentioned in said notice.

695. Levy of tax—work by contract—interim warrants. Special taxes may be levied as the improvements are completed in front of or along or upon any block or lot, or part thereof, or pieces of ground, or at the time the improvement is entirely completed or when light service or park maintenance is commenced, as shall be provided in the ordinance levying the tax; provided that before any special tax for special improvements shall be levied, the cost of such improvements in the improvement district, or part thereof, named in the notice of intention to make such improvement, shall be ascertained by contract duly let to the lowest responsible bidder for the kind of service or material or form of construction which may be determined upon, after publication of twenty days notice to contractors, in the manner provided for publication of notice of intention to make such improvements, which notice may be published simultaneously with the notice of intention, and the cost of such improvement shall not exceed to the property owner his proportion of the total cost of the improvement determined as provided in Section 676. Where any improvement in any extension varies as to character, width, extent or otherwise, the property fronting, abutting upon, or adjacent to the street improved may be assessed at varying rates in accordance with the character, width,



or extent of the improvement upon that portion of the street immediately abutting said property. There may be included in any contract for work in such district any one or more of the improvements in this title provided for. Where assessment is levied for the cost of opening, widening or extending streets or alleys, the purchase or condemnation price of the land shall be deemed the contract price, and notice to contractors may be dispensed with. The board of commissioners, city council, or board of town trustees, as the case may be, may, from time to time as work proceeds in any improvement district pursuant to contract duly entered into, issue to the contractor interim warrants against the improvement district, for not to exceed ninety per cent in value of the work theretofore done, upon estimates of the city or town engineer, which warrants shall bear interest at the rate of six per cent per annum from date of issue until fifteen days after levy of assessment. The interest accruing on said warrants shall be included in the cost of said improvement. Said interim warrants and interest shall be taken up and paid by the special improvement warrants or special improvement bonds issued upon completion of the work.

**699. Special taxes a lien—sale—three years limitation—liability of city.** Special assessments made and levied to defray the cost and expense of any work or service contemplated by the provisions of this chapter, and the cost of collection thereof, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date upon which the ordinance levying such assessment becomes effective, which lien shall be superior to the lien of any mortgage or other encumbrance, whether prior in time or not, except the lien of general taxes, and shall continue such lien until paid, notwithstanding any sale of said property for or on account of a general or special tax, and such assessments shall be collected, or the property charged therewith shall be sold for such assessments and costs in the manner provided by ordinance; and the board of commissioners, city council, or board of town trustees may provide for the summary sale by the city treasurer of the property so assessed after delinquency shall have occurred in the payment of any such tax or assessment, in the manner provided by law for sales of delinquent general taxes; provided, further, that if at any such sale no person shall bid and pay the city or town the amount of such assessment and costs, then such property shall be deemed sold to the city or town for the amount of such assessment and costs; provided further, that in the event any property shall be illegally assessed, or any property which is by law exempt from assessment for local purposes, shall be so assessed, then, and in such event, the city or town so assessing such property shall be liable to the holders of the warrants or bonds issued against the funds created by such assessments, which amount shall be paid from the general fund of the city or town. In the event of

a sale of any property for default in the payment of any special tax or assessment, the period of redemption from such sale shall not exceed three years from date of sale.

Sec. 2. Sections repealed. Sections 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730 and 731, Compiled Laws of Utah, 1917, are hereby repealed. Nothing herein contained shall invalidate or affect existing rights under any of the sections hereby repealed.

Sec. 3. Period of redemption. Validating previous levies. The provisions of this chapter in so far as the same are remedial in their nature shall apply to the enforcement of all rights heretofore acquired under and by virtue of Chapters 14, 15 and 16 of Title 16, Compiled Laws of Utah, 1917, and all Acts and parts of Acts supplemental to or amendatory thereof. The period of redemption prescribed in this Act shall apply to all sales heretofore made by any city or town in which the period of redemption prescribed by ordinance at the time of such sale extends more than one year beyond the effective date of this Act. All special taxes heretofore levied, or attempted to be levied in cities which have not heretofore been adjudicated void, and all notices, assessments, equalizations and proceedings taken in relation thereto, whether void, defective or valid, in all cases where the improvements contemplated thereby have been made or contracted for are hereby confirmed, validated and made sufficient to the same extent as if the same were perfect in the first instance.

Approved March 10, 1921.

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## CHAPTER 16.

Senate Bill No. 78.

Compiled Laws, 1917, p. 253.

(Passed March 2, 1921. Approved March 9, 1921. In effect March 9, 1921.)

### SPECIAL IMPROVEMENT BONDS.

An Act to amend Sections 746 and 748, Compiled Laws of Utah, 1917, relating to the issuance of warrants or bonds for special improvements, and to repeal Section 747, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 746 and 748, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

746. Drawing of warrants and bonds—denominations—date and limit—issue or sale. In any instance where any city or town may levy a special

tax or assessment for the purpose of making or paying for any local improvement, the city auditor, in cities having an auditor, the city recorder in cities not having an auditor, or the clerk of the board of town trustees, as the case may be, upon being so directed by the board of commissioners, city council or board of town trustees, fifteen days after the levy of such tax or assessment becomes effective, shall issue warrants or bonds in payment of the cost and expense of such local improvements, and against the funds created by said special tax levy or assessments. Said warrants or bonds shall be drawn on the treasurer of the city or town against the special tax funds; and shall be known as special improvement warrants or special improvement bonds, shall be consecutively numbered, shall be made in form, wording and color different and to distinguish them from other bonds of the city or town, and shall be drawn payable to bearer and issued only in denominations of \$1000, \$500, \$100 and \$50 except the last issued, which may be for any lesser amount. Said warrants or bonds shall be so divided that substantially an equal proportion of the total issue will be due and payable annually during the period in which such special tax or assessment is to be paid, as provided by the ordinance levying such tax or assessment. All such warrants or bonds shall be dated as of the date on which the special tax shall begin to bear interest, and said warrants or bonds shall bear interest at a rate not exceeding seven per cent per annum from date until due and at the rate of eight per cent thereafter until paid, except light service and park maintenance warrants or bonds, which shall bear interest only from and after the due date thereof, interest to be paid annually and to be evidenced by interest coupons attached to such warrants or bonds and attested by the facsimile signature of the city auditor, city recorder or the clerk of the board of town trustees. Said bonds shall be issued payable in not more than ten annual series or installments. Such warrants or bonds shall be issued to the contractor doing the work in any such improvement district, for the full amount of the contract price due at the time of their issuance including any interest on interim warrants which may have been issued to him, and to the city or town in which such work is done, and by which such bonds are issued, for an amount not exceeding ten per cent of such contract price, to cover the cost of levying, engineering, inspecting, publishing notices, and other expenses incident thereto; provided that in the case of purchase or condemnation of property for the purpose of opening, extending or widening streets, such warrants or bonds may be sold by the city or town and the proceeds thereof used to pay for such property, or may be issued direct in payment for such property.

748. **Extent of liability.** The city or town, as the case may be, shall not be held liable for the payment of any special tax bond or warrant, except to the extent of the funds created and received by special tax levies



or assessments and to the extent of the special improvement guarantee fund of such city or town; but the city or town shall be held responsible for the lawful levy of all special taxes or assessments, for the creation and maintenance of the special improvement guarantee fund as provided by law, and for faithful accounting, collection, settlements and payments of the taxes levied for these purposes and the moneys of said funds.

Sec. 2. Section repealed. That Section 747, Compiled Laws of Utah, 1917, is hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 9, 1921.

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## CHAPTER 17.

House Bill No. 64.

Compiled Laws, 1917, p. 260.

(Passed February 16, 1921. Approved February 23, 1921. In effect May 10, 1921.)

### TOWNS—TO ACQUIRE, HOLD AND CONVEY PROPERTY.

An Act amending Section 786x1 (302x1) of the Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 786x1 (302x1) of the Compiled Laws of Utah, 1917, is hereby amended to read as follows:

786x1. (302x1). Handling property. To purchase, hold, lease or convey all necessary estate, real or personal, for the use and benefit of the corporation.

Approved February 23, 1921.

## CHAPTER 18.

House Bill No. 32.

Compiled Laws, 1917, p. 261.

(Passed February 1, 1921. Approved February 8, 1921. In effect May 10, 1921.)

### STREETS AND SIDEWALKS IN TOWNS.

**An Act amending Section 786x12, Compiled Laws of Utah, 1917, relating to streets, sidewalks, etc., of incorporated towns.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** Section amended. Section 786x12, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

786x12. (302x12). Streets, sidewalks, etc.—encumbering or driving on same. To lay out, construct, open, grade, pave and otherwise improve streets, lanes, alleys, sidewalks and crosswalks and to vacate the same or any part thereof; to prohibit encumbering streets, lanes, alleys, sidewalks and crosswalks with any materials whatever, and to prohibit riding or driving on sidewalks, except to cross the same.

Approved February 8, 1921.

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## CHAPTER 19.

House Bill No. 57.

Compiled Laws, 1917, p. 265

(Passed March 7, 1921. Approved March 12, 1921. In effect May 10, 1921.)

### BONDS OF CITIES AND TOWNS.

**An Act to amend Section 794, Compiled Laws of Utah, 1917, relating to bonds of cities and towns.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1.** Section amended. That Section 794, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

794. Issue and disposal of bonds—tax—time limit of bonds. The board of commissioners, city council or board of trustees, as the case may be, shall provide by ordinance for the issuance and disposal of such bonds, provided that no such bonds shall be sold for less than their face value. The board of commissioners, city council, or board of trustees, as the case shall be, shall annually levy a sufficient tax to pay the interest on such

indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued. Water or sewer bonds may be issued for a term not exceeding forty years. All other bonds may be issued for a period not exceeding twenty years. Such bonds may be either serial or term bonds.

Approved March 12, 1921.

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## CHAPTER 20.

Senate Bill No. 63.

Compiled Laws, 1917, p. 267.

(Passed March 8, 1921. Approved March 10, 1921. In effect May 10, 1921.)

### BOUNDARIES OF CEDAR CITY.

An Act amending Section 1, of an act incorporating Cedar City, in Iron County, State of Utah, approved February 18, 1868.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended Section 1 of an Act incorporating Cedar City in Iron county, approved February 18, 1868, is hereby amended\* to read as follows:

Sec. 1. Cedar City boundaries. All that portion of Iron county situated within the following boundaries, to wit: Beginning at the southeast corner of the northeast quarter of the northeast quarter of section 14 in township 36 south of range 11 west, Salt Lake meridian, which point is at the mouth of Coal Creek canyon, and running thence north three miles; thence west six miles; thence south six miles; thence east six miles; thence north three miles to the place of beginning, shall be known and designated under the name and style of Cedar City, and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

Sec. 2. Reason for amendment. This amendment is made for the purpose of making more definite the boundary lines of said city in accordance with the intent of the original Act.

Approved March 10, 1921.

\*As to this "amendment," see Constitution, Art. 6, Sec. 26, Sub. 12, and Art. 11, Sec. 5. Also Chap. 20, Compiled Laws, 1917, p. 256, Sec. 770.



## CHAPTER 21.

House Bill No. 60.

Compiled Laws, 1917, pp. 271-461; Laws, 1919, pp. 25-83.

(Passed March 1, 1921. Approved March 8, 1921. In effect May 10, 1921.)

## EGGS.

**An Act to provide for the regulation of traffic in eggs; to provide for the licensing of dealers in eggs; to prevent fraud and misrepresentation by dealers; and to prevent the sale of eggs unfit for human food.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Unfit eggs.** That no person, firm or corporation shall sell, offer or expose for sale, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purposes of this Act, an egg shall be deemed unfit for human food if it be addled or moldy, if it contains black rot, a white rot, or blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring state; or if it consist in whole or in part of a filthy, decomposed or putrid substance.

**Sec. 2. Dockage—candling.** That no person, firm or corporation shall in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in Section 1 of this Act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the state dairy and food commissioner. All such records shall be open at all reasonable times for examination by the state dairy and food commissioner or inspectors of the state dairy and food department. The term "candling" as used herein shall be construed to mean the careful examination, in a partly dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the state dairy and food commissioner. Every person, firm or corporation engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

**Sec. 3. Candling certificate—license number.** That there shall be placed on the top layer under the top flat of every case of candled eggs, by the person candling the same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than  $2\frac{3}{8} \times 4\frac{1}{4}$  inches and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of

the person candling the eggs, and the name of this state and the license number of the person, firm or corporation for which the eggs were candled.

**Sec. 4. License—fee.** That for the purpose of enforcing the provisions of this Act, it is hereby required that ten days after this Act takes effect, no person, firm or corporation shall engage in the business of buying, selling, dealing or trading in eggs, except those retailers who buy direct from the producers and who do not sell in lots greater than one case, without first obtaining from the state dairy and food commissioner a license to conduct such business. Such officer upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$1.00 shall thereupon issue to such person, firm or corporation an annual license to engage in such business.

**Sec. 5. Rules—enforcing.** That the state dairy and food commissioner shall enforce the provisions of this Act and shall make suitable rules and regulations for carrying out its provisions. He shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a part of a lot, eggs unfit for human food.

**Sec. 6. Branding cases, etc.** It shall be unlawful for any person, firm, or corporation, licensed as herein provided, to sell, barter, or exchange, or offer to sell, barter, or exchange any eggs, intended for human consumption, unless the case, box, basket, or receptacle in, or from which said eggs are so sold, bartered, or exchanged, or offered for sale, barter, or exchange, shall be marked or branded in plain legible letters, the name of the state, nation, or country in which the said eggs were produced, and all pullet or undersized eggs shall also be marked "Pullet Eggs."

**Sec. 7. Penalty.** That any person, firm or corporation failing to comply with the requirements of, or violating any of the provisions of this Act, shall be guilty of a misdemeanor and shall upon conviction for the first offense be fined not less than \$15.00 nor more than \$50.00; for the second offense he shall be fined not less than \$50.00 nor more than \$100.00; and for the third or any subsequent offense, he shall be fined not less than \$100.00 nor more than \$200.00 and in addition to such fines, in the discretion of the court, for the first offense his license may be suspended for not more than thirty days; for the second offense not more than sixty days, and for the third or any subsequent offense his license may be revoked.

**Sec. 8. Words defined.** That the words used in this Act shall be construed to import the plural or singular, as the case demands.

Sec. 9. Acts repealed. That all laws, or sections of laws, and amendments thereto or thereof, now in force in this state, which may be in conflict with the provisions of this Act are hereby repealed.

Approved March 8, 1921.

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## CHAPTER 22.

House Bill No. 162.

Compiled Laws, 1917, p. 274.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### CORPORATIONS.

An Act amending Sections 861, 862, 874, 876, 879, 880, 882, 883, 884, 885, 886, 888, 900, 901, 902, and 905, of Title 19, and adding Section 860x to said Title 19, Compiled Laws of Utah, 1917, relating to corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—addition. That Sections 861, 862, 874, 876, 879, 880, 882, 883, 884, 885, 886, 888, 900, 901, 902, and 905 in Title 19, Compiled Laws of Utah, 1917, be and the same hereby are amended to read as follows, and that Section 860x be, and the same is, hereby added to said Title 19, Compiled Laws of Utah, 1917:

Sec. 860x. Shares without nominal value—voting power—paid up—contents of certificate—taxable value—capital stock defined. Any corporation may, if so provided in its articles of agreement or in an amendment thereof, issue shares of stock without nominal or par value; in case of preferred stock without par value the articles of incorporation may state the amount in dollars at which such stock shall participate in dividends or in any distribution of assets in preference to common stock; every share of such stock without nominal or par value shall be equal to every other share of such stock, except that the articles of agreement may provide that such stock shall be divided into different classes with such preferences, designations and voting powers or restriction or qualification thereof as shall be stated therein. Such stock may be issued by the corporation from time to time for such consideration as may be fixed from time to time by the board of directors thereof, pursuant to authority conferred in the articles of agreement, or if such articles of agreement shall not so provide, then by the consent of the holders of two-thirds of each class of stock then outstanding and entitled to vote given at a meeting called for that purpose in such manner as shall be provided in the agreement or by-laws, or in the absence of any such provision, then



in the manner prescribed in Section 882, and any and all such shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock. In any case in which the law requires that the par value of the shares of stock of a corporation be stated in any certificate or paper, it shall be stated, in respect of such shares, that such shares are without par value, and whenever the amount of stock, authorized or issued, is required to be stated, the number of shares authorized or issued shall be stated, and it shall also be stated that such shares are without par value. For the purpose of the taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations and of franchise taxes prescribed to be paid by corporations to this state, but for no other purpose, such shares shall be taken to be of the par value of one hundred dollars each. Wherever the phrase "capital stock" is used in this chapter or in Chapter 2 of this title, it shall be taken to mean stock with a nominal or stated par value and shall not include stock without par value; and the word "stock," unless the context clearly indicates otherwise, shall be taken to include both par value and non-par value stock.

**861. Incorporators' agreement—contents.** The incorporators shall enter into an agreement in writing, signed by each of them, and sworn to by at least three of their number, as hereinafter provided, before the county clerk or any notary public of the county in which they have established or intend to establish, their principal place of business, stating:

1. The name of the corporation.
2. The precinct or city where it is organized.
3. The names of the incorporators and their places of residence.
4. The time of its duration, which shall not in any case be less than three or more than 100 years.
5. The pursuit or business agreed upon, specifying it in general terms.
6. The place of its general business.
7. The amount of stock each party has subscribed.
8. The limit of capital stock agreed upon; the number of shares into which the same is divided and the par value of each share; in the case of a corporation without nominal or par value of its stock or any class thereof, the articles of agreement, with respect to such stock, in lieu of the above shall state the total number of shares authorized and that they are without nominal or par value, and the number of shares with which it will commence business, which shall not be less than five

shares; and if there be more than one class of stock created by the articles of agreement, a description of the different classes with the terms on which the respective classes of stock are created.

9. The number and kind of officers, their qualifications and terms of office, and the time and manner of their election, removal, and resignation, with the names of the officers to serve until the first general election; provided, that in no case shall the number of directors be less than three or more than twenty-five; provided, further, that any corporation organized or existing, or hereafter organized and existing, under the laws of this state, may, instead of electing its entire board of directors annually, provide in its articles of association, or by amendment to its articles of association, for the election, as near as may be, of one-third of the number of its directors for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years, and thereafter at each succeeding annual meeting of the stockholders, one-third thereof for a term of three years.

10. How many of the entire board of directors shall be necessary to form a quorum and be authorized to transact the business and exercise the corporate powers of the corporation; provided, that a quorum shall be not less than one-fourth of the entire number.

11. Whether or not the private property of the stockholders shall be liable for its obligations.

12. Such additional clauses as the incorporators deem necessary for conducting the business of the corporation and for its future safety and welfare.

862. Oath to agreement—subscriptions in property—water users excepted. To the agreement prepared in accordance with the provisions of the preceding section, there shall be added the oath or affirmation of three or more of the incorporators, taken before any officer duly authorized to administer an oath, to the effect that they have commenced, or it is bona fide their intention to commence and carry on, the business mentioned in the agreement, and that the affiants verily believe that each party to the agreement has paid or is able to and will pay the amount of the capital stock subscribed for by him; provided, that said affidavit shall not be made until at least ten per cent of the capital stock subscribed by each stockholder and not less than ten per cent of the capital stock of the corporation has been paid in, nor shall said affidavit be required in the case of a corporation without par value to its stock or any class thereof; but this proviso shall not apply to any water users' association which is organized in conformity with the requirements of the United States under the reclamation act of June 17, 1902, and which, under its articles of incorporation, is authorized to furnish water only to its

stockholders; provided, further, that where subscriptions to the capital stock of any corporation formed under the provisions of this chapter shall consist, in whole or in part, of property necessary to the pursuit agreed upon, there must appear in the articles of incorporation a description of the property so taken, with a statement of the fair cash value thereof, which statement, except in the case of corporations organized for mining or irrigation purposes, shall be supplemented by the affidavits of three persons, to the effect that they are acquainted with said property and that it is reasonably worth the amount in cash for which it was accepted by the corporation; and the owners of such property shall be deemed to have subscribed such amount to the capital stock of such corporation as will represent the fair estimated cash value of so much of such property, or of such interest therein as they may have conveyed to such corporation by deed actually executed and delivered.

874. **Removal of officers.** A director or other officer may be removed from office as provided in the articles of incorporation or by-laws, or in case there is no such provision, then by a vote of the majority of the outstanding stock entitled to vote, at a meeting held after previous notice of the time and place and of the intention to propose such removal. Special meetings of stockholders for this purpose may be called by the president or by a majority of the directors, or by stockholders holding at least one-half of the shares of stock outstanding. Such calls must be in writing and addressed to the secretary, who must thereupon give notice of the time, place, and object of the meeting, and by whose order it is called. If the secretary refuses to give the notice, or if there be no secretary, the call may be addressed directly to the stockholders. In case of the removal of a director or other officer, the vacancy may be filled by election at the same meeting, or by the board of directors, unless otherwise provided in the articles or by-laws.

876. **Books open to stockholders—contents.** The books of every corporation organized under the laws of this state must be so kept as to show the original stockholders, their interests, the amount paid on their shares of capital stock, and all transfers thereof; all books of any corporation shall, at all reasonable hours, be subjected to the inspection of any bona fide stockholder of record.

879. **Liability for corporate debts.** The property of the corporation and the unpaid stock shall be liable for the debts of the corporation; in the case of stock without par value, this liability shall be limited to the unpaid balance of the consideration for which such stock was issued by the corporation; but the individual property of any holder of full-paid stock of any corporation organized since March 8, 1894, or that hereafter may be organized, under the laws of this state, except as otherwise expressly provided in this title, shall not be liable for the corporate



obligations, nor shall assessments be levied on such stock for any purpose whatever, except to such extent and in such manner as may be expressly provided in the articles of incorporation.

880. **Mode of subscriptions.** The stockholders of any corporation may regulate the mode of making subscriptions to its stock and of calling in the same by by-laws or by express contract.

882. **Stockholders' meetings—how called.** Unless required by the agreement or by-laws, no notice need be given of annual or stated meetings of the stockholders. Special meetings shall be called and notice thereof given in such manner as may be prescribed in the agreement or by-laws, special meetings of the stockholders may be called by the president, by any three directors, or by any number of stockholders owning not less than one-third of the outstanding stock entitled to vote at such meeting, and notice thereof shall be given by personal service of the notice upon each such stockholder at least five days before the day fixed for the meeting, or by advertisement in some newspaper published in the state, having general circulation in the county in which the principal place of business of the corporation is located. If publication be made in a daily newspaper, the notice shall be published in each issue of the paper for a period of two weeks, and if in a weekly newspaper, for three successive issues next before the day of meeting.

883. **Voting power of stock.** The articles of incorporation may provide that the stock shall be divided into different kinds and classes, and define the preferences, rights, privileges, restrictions and qualifications that each kind and class of stock shall possess, and the power to vote may be confined by the articles to such kinds and classes of stock as may be designated therein. When not otherwise provided in the articles, at all meetings, each shareholder shall be entitled to one vote for each share of stock which he or she may have in his or her own right, or held by him or her in trust for others, as shown by the books of the corporation, and such votes may be given in person, or by an authorized agent or by proxy.

884. **Stock representation at meetings.** The articles of incorporation or by-laws may provide what proportion of the outstanding stock or of any classifications thereof, shall be represented at a stockholders' meeting as requisite to the holding of same, and for adjournment from day to day in the absence of a sufficient representation, and what proportion of the stock so represented shall be necessary to determine any question or election; but in the absence of such provisions, a lawful meeting may be held by the stock represented at the meeting whatever its amount, and every question or election thereat shall be decided by a majority of the votes cast.

885. **Majority of stock—what constitutes.** Whenever any portion of the stock of a corporation is held by the corporation, a majority of the remaining shares is a majority of the stock for all purposes of election or voting on any question at a stockholders' meeting.

886. **Amendments—what permissible—individual liability.** The articles of incorporation of any corporation now existing or that hereafter may be organized under the laws of this state may be amended in any respect conformable to the laws of this state by a vote representing at least a majority in amount of the outstanding stock thereof at a stockholders' meeting called for that purpose as prescribed in Section 887; provided, that, if all the stockholders vote in favor of such amendment at any meeting of the stockholders, the notice required by Sec. 887 aforesaid need not be given; and, provided, further, that the original purpose of the corporation shall not be altered or changed without the approval and consent of all the outstanding stock; provided further, that the adding to the purposes or object, or extending the power and business of the corporation, shall not be deemed a change of the original purpose of the corporation; provided further, that the capital stock of the corporation shall not be diminished to an amount less than fifty per cent in excess of the indebtedness of the corporation; and, provided, further, that the personal or individual liability of the holder of full paid stock for assessments or for the indebtedness or obligation of the corporation shall not be changed without the consent of all the stockholders.

888. **Consolidation—how made—filing articles—certificate.** Corporations of the same kind, engaged in the same general business, in the same vicinity, heretofore created under the laws of the territory or state of Utah, or hereafter organized under the laws of this state, may consolidate upon such terms and conditions conformable to the law as shall be agreed upon by a vote representing at least a majority in amount of the outstanding stock of each of said corporations, at a special meeting of each thereof, upon notice stating the time, place and object of such meeting, published for at least thirty days prior thereto in a newspaper having general circulation within the county or counties where each corporation has its principal place of business; provided, that corporations organized for the purpose of owning and operating street or interurban railroads, and corporations organized for manufacturing, producing, and selling light, power, and heat by electricity, gas, steam, or other means, shall be, for the purpose of this section, deemed corporations of the same kind. Such consolidation may be effected either by joining two or more corporations together, or by formation of a new corporation under the laws of this state for the purpose of buying in and taking over and operating the properties, rights, and franchises of the corporations desiring to consolidate. And if by purchase, such purchase may be made at any public sale or sales made by judicial proceedings, or in the enforce-

ment of mortgages or liens, or at private sale; provided, that if such sale is made other than by judicial procedure or in the enforcement of mortgages or liens, the same shall be approved by at least a majority in amount of the outstanding stock of the selling companies, unless the articles of association provide how and by whose authority the sale of the company's property shall be made, then, in that event, in accordance with such provision. If such consolidation is effected by forming a new corporation to purchase, as aforesaid, the articles of association of such new company shall contain, in addition to the requirements of Sec. 861, a provision that the company is formed for the purpose of purchasing in and taking over the properties, rights, privileges, and franchises of such corporations so desiring to consolidate, and if one or more of the corporations is a street, suburban, or interurban railroad, such articles shall contain a general statement of the termini of such road or roads, with their length respectively, as near as may be. Such articles of association of such new corporation organized to purchase the assets of the old companies shall be filed in the office of the secretary of state, and upon his filing such articles and issuing a certificate of incorporation to such company, the association shall without further act be deemed and held to have been duly formed and created a corporation with all the powers specified in such articles of association; provided, that they are not inconsistent with the terms of this Act or the other existing laws of this state relating to corporations organized for general purposes, or the terms of the constitution of the state. If the consolidation is effected in the usual manner of joining two or more companies together, without the previous formation of a new corporation for the purpose of purchasing in the properties of the corporations, such consolidation shall be evidenced by a certificate under the corporate seals of the respective corporations, signed by the president and secretary of each, briefly reciting the act or acts sought to be accomplished, and describing in a general way, the property sought to be consolidated, together with the name of the corporation thus formed by amalgamation or consolidation, with such other provisions as the law may require to be inserted in the original articles of incorporation, and such others being conformable to law, as may be deemed necessary to perfect such consolidation which certificate shall be filed and recorded in the manner provided for the filing and recording of original articles of incorporation, and a copy thereof, duly certified by the county clerk, shall be filed in the office of the secretary of state, whose certificate shall constitute such consolidated corporations, a new corporation. Such new consolidated corporation, whether formed by organizing a new corporation to purchase or by strict consolidation, shall have the right to work, operate, and maintain the properties thus acquired, and all the rights, privileges, and franchises and powers named in such new articles of incorporation, including those formerly enjoyed by the original corporations.



900. **Assessable stock—exception.** The full-paid stock of any corporation organized since March 8, 1894, or that may hereafter be organized under the laws of this state, shall not be assessable for any purpose whatever, except to such extent and in such manner as may be expressly provided in the articles of incorporation; provided, that if such stock is made assessable and the manner of levying the assessment is not provided for, it shall be levied in the manner and form hereinafter prescribed.

901. **Assessing unpaid stock.** The board of directors of any corporation, whose stock shall not be full-paid, may, for the purpose of paying expenses, conducting business, or paying debts, levy and collect assessments upon the subscribed and unpaid capital stock thereof, and in the case of stock without par value, upon any unpaid balance of the consideration for which such stock was issued by the corporation, in such manner and at such times as may be prescribed in the articles of incorporation, or, if not therein provided for in the manner and form and to the extent hereinafter prescribed.

902. **Limit of assessment.** No assessment shall exceed ten per cent of the outstanding capital stock of the corporation, unless the corporation is unable to meet its obligations or satisfy the claims of its creditors, in which case the assessment may be for the full amount unpaid upon its capital stock and in the case of stock without par value, the unpaid balance of the consideration for which such stock was issued by the corporation, or for any less amount that may be sufficient to meet such obligations or claims.

905. **Notice of assessment.** Upon making the order, the secretary shall cause to be issued a notice thereof in the following form:

(Name of corporation in full. Location of principal place of business.) Notice is hereby given that at a meeting of the directors, held on the (date) an assessment of (amount) per share was levied on the capital stock (or non-par value stock, or both, as the case may be), of the corporation, payable (when, to whom, and where). Any stock upon which this assessment may remain unpaid on the (day fixed) will be delinquent and advertised for sale at public auction, and unless payment is made before, will be sold on the (day appointed), to pay the delinquent assessment, together with the cost of advertising and expense of sale. (Signature of secretary, with location of office.)

Approved March 17, 1921.

## CHAPTER 23.

Senate Bill No. 18.

Compiled Laws, 1917, p. 296.

(Passed February 8, 1921. Approved February 16, 1921. In effect February 16, 1921.)

## SUSPENSION AND LIQUIDATION OF BANKS.

An Act relating to the suspension and liquidation of banks, and repealing Section 1007, Compiled Laws of Utah, 1917, except as to pending proceedings.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Bank commissioner may take possession—when. The bank commissioner may forthwith take possession of the business and property of any bank to which this Act is applicable, whenever it shall appear that such bank:

1. Has violated its charter or any law applicable thereto;
2. Is conducting its business in an unauthorized or unsafe manner;
3. Is in an unsound or unsafe condition to transact its business;
4. Has an impairment of its capital for a period of ninety days;
5. Has refused to pay its depositors in accordance with the terms on which such deposits were received;
6. Has become otherwise insolvent;
7. Has neglected or refused to comply with the terms of a duly and legally authorized order issued by the bank commissioner;
8. Has refused, upon proper demand, to submit its records and affairs for inspection to an examiner of the banking department; or
9. Its officers have refused to be examined upon oath regarding its affairs.

Such bank may with the consent of the bank commissioner resume business upon such conditions as may be approved by him.

Sec. 2. Notice to be given. Upon taking possession of the property and business of any such bank, the bank commissioner shall forthwith give written notice of such fact to all banks, companies, associations and individuals holding or in possession of any assets of such bank. The bank commissioner shall, within a reasonable time and not before thirty days, cause notice to be given by advertisement in such newspapers as he may direct weekly for four consecutive weeks, calling on all persons who may have claims against such bank to present the same to the bank

commissioner, and to make legal proof thereof at a place and within a time not later than the last day therein specified. The bank commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of said bank.

Sec. 3. **No lien on seized bank.** No bank, trust company, corporation, firm, association or individual knowing that the bank commissioner has taken possession of such bank, shall have a lien or charge for any payment advanced or any clearance thereafter made, or liability thereafter incurred against any of the assets of the bank of whose property and business the bank commissioner shall have taken possession.

Sec. 4. **Rejected claim—allowance and payment.** If the bank commissioner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or personally, an affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed in his office. An action upon a claim so rejected may be brought within six months after such service. Claims presented and allowed after the expiration of the time fixed in the notice to creditors, shall be entitled to be paid the amount of all prior dividends thereon if there be funds sufficient therefor and share in the distribution of the remaining assets in the hands of the bank commissioner equitably applicable thereto.

Sec. 5. **Inventory—filing lists of claims—lists of depositors or creditors—report.** Upon taking possession of the property and assets of such bank the bank commissioner shall make an inventory of the assets of such bank in duplicate, one copy to be filed in the office of the bank commissioner, one in the office of the clerk of the county in which the office of such bank was located. Upon the expiration of the time fixed for the presentation of claims, the bank commissioner shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, of which one copy shall be filed in the office of the bank commissioner, one in the office of the clerk of the county in which the office of such bank was located. And the bank commissioner shall in like manner make and file supplemental lists showing all claims presented subsequent to the filing of the first list, such supplemental lists to be filed at least fifteen days before the declaration of any dividend, and in any event such supplemental lists shall be filed at intervals of not exceeding six months. The bank commissioner shall cause to be entered in a book prepared for that purpose, the names of all depositors and other creditors of such bank, together with the amount due each as shown by the books of such bank, said book to be one of the permanent records of such liquidation. At the time of the order for final distribution of any such bank, the bank commissioner shall make a detailed report in duplicate of its liquidation, showing the disposition of



each asset and acquired asset, one copy to be filed in the office of the bank commissioner, one in the office of the clerk of the county in which such bank was located. Such report, inventory and list of claims shall be open at all reasonable times for inspection.

**Sec. 6. Deputy examiners.** The bank commissioner may under his hand and official seal appoint one or more special deputy examiners of banks as agent or agents to assist him in the duty of liquidation and distribution, a certificate of such appointment to be filed in the office of the bank commissioner and a certified copy in the office of the clerk of the county in which the office of such bank was located. The bank commissioner shall require from such agent or agents such surety for the faithful discharge of their duties as he may deem proper. All bonds given shall be deposited with the bank commissioner and kept in his office.

**Sec. 7. Collection of debts—sale of property—individual liability of stockholders.** Upon taking possession of the property and business of such bank, the bank commissioner is authorized to collect money due to such bank, and to do such other acts as are necessary to preserve its assets and business, and shall proceed to liquidate the affairs thereof, as hereinafter provided. The bank commissioner shall collect all debts due and claims belonging to it, and upon the order of the district court in and for the county in which the office of such bank was located, may sell or compound all bad or doubtful debts, and on like order may sell the real estate and personal property of such bank, on such terms as the court shall direct. The bank commissioner shall give notice to such bank of the time and place of making application to said court for such order. The bank commissioner upon the terms of sale or compromise directed by the court, shall execute and deliver to the purchaser of such real and personal property such deeds or instruments as shall be necessary to evidence the passing of the title; and if said real estate is situated outside the county in which the office of the bank was located, a certified copy of such order authorizing and ratifying said sale shall be filed in the office of the recorder of the county within which said property is situated; and may, if necessary to pay the debts of such bank, enforce the individual liability of the stockholders.

**Sec. 8. Deposit of moneys—preferred claim.** The moneys collected in process of such liquidation by the bank commissioner shall be from time to time deposited in one or more banks organized under the laws of this state, subject to his order as herein provided. In case of the suspension or insolvency of such depository, such deposits shall be preferred before all other deposits.

**Sec. 9. Expenses—priority—payment.** The expenses incurred by the bank commissioner during possession or in course the liquidation of any bank in accordance with the provisions of this Act, shall include the

expenses of deputies or assistants, clerks and examiners employed in such possession or liquidation, together with reasonable attorney fees for counsel employed by said bank commissioner in the course of such liquidation. Such compensation of counsel, deputies, assistants, clerks and examiners in the liquidation of any such bank, and all expenses of supervision and liquidation shall be fixed by the bank commissioner, subject to the approval of the district court of the county in which the office of such bank was located, on notice to such bank. The expense of such liquidation shall be paid out of the property of such bank in the hands of said bank commissioner, and such expenses shall be a valid charge against the property in the hands of said bank commissioner and shall be paid first in the order of priority; provided, however, that no such expense shall be paid out of the property of such bank until an account of such expense shall have been filed with and approved by the district court of the county in which such bank is located.

Sec. 10. Dividends—payment to stockholders—individual liability. At any time after the expiration of the date fixed for the presentation of claims, the bank commissioner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, he may declare a final dividend, such dividends to be paid to such persons and in such amounts and upon such notice as may be directed by the district court of the county in which the office of such bank was located. Dividends due to stockholders on claims as depositors or otherwise, to the extent of the individual liability of such stockholders shall be withheld by the bank commissioner until it is ascertained that it will not be necessary to enforce their individual stock liability. The court shall make proper provision for unproved and unclaimed deposits.

Sec. 11. Objection to claims—hearing. Objection to any claims not rejected by the bank commissioner may be made by any party interested by filing a copy of such objection with the bank commissioner who shall present the same to the district court of the county in which the office of such bank was located, upon written notice to claimant and to the party filing the same, said notice setting forth the time and place of the presentation. The court upon return day of said notice shall hear the objections raised to said claim, or refer the determination of said objections to a referee for report, or upon demand of either the bank commissioner or the party filing the objections may direct that the issues be tried before a jury.

Sec. 12. Injunction proceedings by aggrieved bank. Whenever any such bank of whose property and business the bank commissioner has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within thirty days after taking such possession apply to the

district court of the county in which the office of such bank was located, to enjoin further proceedings in liquidation, and said court, after citing the bank commissioner to show cause why further proceedings should not be enjoined and hearing the allegation and proofs of the parties and determining the facts, may dismiss such application or enjoin the bank commissioner from further proceedings and direct him to surrender such business and property to such person, partnership, corporation, company, society or association.

**Sec. 13. No receiver—exception.** No receiver shall be appointed by any court, nor shall any deed of assignment for the benefit of creditors be filed in any district court within this state for any bank except upon notice to the bank commissioner, unless in case of urgent necessity it becomes in the judgment of the court necessary so to do in order to preserve the assets of such bank. The bank commissioner may within five days after the service of such notice upon him take possession of such bank, in which case no further proceedings shall be had upon such application for the appointment of receiver or under such deed of assignment, or, if a receiver has been appointed or such assignee shall have entered upon the administration of his trust, such appointment shall be vacated or such assignee shall be removed upon application of the bank commissioner to the proper court therefor, and the bank commissioner shall proceed in all such cases to administer the assets of such bank, as herein provided.

**Sec. 14. Stockholders' meeting to wind up affairs.** Whenever the bank commissioner shall have paid to each depositor and creditor of such bank, not including stockholders, whose claim or claims as such depositor or creditor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provisions for unclaimed or unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the bank commissioner shall call a meeting of the stockholders of such bank, by giving notice thereof for four consecutive weeks in one or more newspapers published in the county wherein the office of such bank was located. At such meeting the stockholders shall determine whether the bank commissioner shall continue to administer its assets and wind up the affairs of such bank, or whether an agent or agents shall be elected for that purpose; and in so determining the said stockholders shall vote by ballot in person, or by proxy each share entitling the holder to one vote and the majority of the stock shall be necessary to a determination.

**Sec. 15. Liquidation by bank commissioner or by agent.** In case it is determined to continue the liquidation under the bank commissioner, he shall complete the liquidation of the affairs of such bank, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock, in such



manner and upon such notice as may be directed by the district court in the county in which the office of such bank was located. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall file with the bank commissioner a bond to the state of Utah in such amount and with such sureties as shall be approved by the bank commissioner for the faithful performance of all the duties of his or their trust, and thereupon the bank commissioner shall transfer to such agent or agents all the undivided or uncollected or other assets of such bank then remaining in his hands; and upon such transfer and delivery the said bank commissioner shall be discharged from all further liability to such bank and its creditors.

Sec. 16. **Agent to account—expenses submitted to court.** Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of such bank as herein provided in the case of distribution by the bank commissioner, except that the expenses thereof shall be subject to the direction and control of the district court of the county in which the office of such bank was located.

Sec. 17. **Election of agent's successor.** In case of death or removal or refusal to act of any such agent, or agents, the stockholders may elect a successor as hereinbefore provided who shall have the same powers and be subject to the same liabilities and duties as the agent, or agents originally elected.

Sec. 18. **Unclaimed dividends and deposits go to state—payment to persons entitled thereto.** Dividends and unclaimed deposits remaining in the hands of the bank commissioner for six months after the order for final distribution shall be by him deposited with the treasurer of state who shall hold such funds as custodian, subject to the order of the bank commissioner. The bank commissioner may pay over the moneys so held by the treasurer of state to the persons respectively entitled thereto, upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims he may apply to the district court of the county in which the office of such bank was located for an order authorizing and directing the payment thereof. All unclaimed deposits and uncalled for dividends for which no claims has been made within a period of five years, after the order of final distribution, shall be paid into the state treasury upon the warrant of the auditor of state.

Sec. 19. **Deposit of records of liquidated bank.** All books, papers and records of a bank which has been finally liquidated by the bank commissioner, shall be deposited by the bank commissioner in the office of the clerk of courts for the county in which the office of such bank was

located, such books, papers and records to be held by the clerk of courts of such county subject to the order of the district court for such county.

Sec. 20. Section repealed—pending rights preserved. Section 1007, Compiled Laws of Utah, 1917, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, provided, however, this repeal and this Act shall not affect actions, receiverships, or proceedings and rights and liabilities created or existing, commenced and pending prior to the passage of this Act.

Sec. 21. This Act shall take effect upon approval.

Approved February 16, 1921.

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## CHAPTER 24.

Senate Bill No. 117.

Compiled Laws, 1917, p. 296; Laws, 1919, p. 29.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### STATE BANKING DEPARTMENT.

An Act amending Sections 975, 980, 1002, 1004, 1207, 1107, 1011, Compiled Laws of Utah, 1917, and adding new sections to be known as 981x, 981x1, 981x2, 1007x, 1000x, 1017x5, relating to the duties of bank commissioner; the limit of capital stock; directors examinations; dividends and surplus; unauthorized banking; reports and liquidation of loan, trust and guaranty associations; unlawful methods, unsafe conditions, deception, and liquidations of building and loan associations; exercise of trust powers by banks, capital stock as security, officers oath, effect of; assessment of stock; removal of officers; slander of banks.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—additions. Sections 975, 980, 1002, 1004, 1207, 1107, and 1011, Compiled Laws of Utah, 1917, are hereby amended and new sections to be known as 981x, 981x1, 981x2, 1007x, 1000x and 1017x5 added, to read as follows:

975. Duties of commissioner and examiner. The bank commissioner, or the examiner, shall visit and examine every savings bank and every building and loan association at least once in each year, and every bank other than savings banks, at least twice in each year. At every such examination careful inquiry shall be made as to the condition and resources of the institution, the mode of conducting and managing its

affairs, the official action of its directors, the investment and disposition of its funds; whether or not it is violating any of the provisions of law relating to banking corporations and banks, and as to such other matter as the commissioner may prescribe.

980. (375) **Capital stock.** In no case shall the subscribed capital stock of any bank be less than \$20,000, and in cities having from 5000 to 25,000 inhabitants not less than \$50,000, and in cities having from 25,000 to 50,000 inhabitants not less than \$75,000, and in cities having more than 50,000 inhabitants not less than \$100,000; nor shall the certificate of incorporation issue until it shall appear to the secretary of state by affidavit of at least three of the incorporators that the proposed corporation has the requisite amount of subscribed capital stock and that at least fifty per cent of the capital stock of the corporation has been paid in cash; nor shall the secretary of state issue his certificate of amendment to any banking corporation until it shall be made to appear to him by affidavit that at least twenty-five per cent of the increased capital has actually been paid in cash.

1002. (388) **Id. Directors—annual examinations—report.** It shall be the duty of the board of directors of every bank to examine, or cause to be examined, fully into the books, papers, and affairs of the bank of which they are directors, and particularly into the loans, discounts, and overdrafts thereof, with a special view to ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the bank commissioner or bank examiner may require, such examinations to be made at least once a year and at such other times as the bank commissioner may require. No such subsequent yearly examination shall be made within three months of the next preceding yearly examination. Within ten days after the completion of such examination, a report in writing thereof shall be made to the board of directors of such bank and placed on file with the records of said bank, and shall be subject to examination by the bank commission or bank examiner.

1004. **Dividends—surplus fund.** The board of directors of any bank may declare a dividend of so much of the net profits of the bank, after providing for all expenses, losses, interest, and taxes accrued or due from said bank, as they shall judge expedient; but before any such dividend is declared not less than twenty per cent of the net profits of the bank for the preceding half year, or for such period as is covered by dividend, shall be carried to a surplus fund until such surplus shall amount to fifty per cent of its capital stock.

1207. **Loan, trust and guaranty associations included.** Loan, trust, and guaranty associations shall be bound by the provisions of law governing banks as to the times and manner of making reports to the bank com-



missioner, as to the penalty for failure to make any such report, and as to suspension and liquidation.

1107. **Illegal methods—commissioner to act.** When, in the opinion of the bank commissioner, any such corporation is conducting its business illegally, or in violation of its articles of incorporation or by-laws, or in practicing deception upon its members or the public, or in pursuing a plan that is injurious to the interests of such members, or if he is satisfied that its affairs are in an unsafe condition, he shall notify its directors or managers, and if it shall not immediately amend its course or put its affairs upon a safe basis, he shall, in the case of a domestic corporation proceed under the provisions relating to the suspension and liquidation of banks, and in case of a foreign corporation, he shall advise the secretary of state who shall thereupon revoke its certificate of authority to do business in this state.

1011. **Name “bank” or “bankers,” etc., forbidden—except.** No person, firm, company, copartnership, or corporation, not subject to the supervision of the bank commissioner, other than a national bank, shall make use of any office sign in the place where such business is transacted having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, or that deposits are received there, or that payments are made on check, or that any other form of banking or trust company business is transacted; nor shall such person or persons, firm, company, copartnership, or corporation make use of or circulate any letter heads, bill heads, blank notes, blank receipts, certificates, or circulars, or any printed or written, or partly written and partly printed, paper whatever, having thereon any artificial or corporate name, or other word or words indicating that such business is the business of a bank, savings bank, or trust company; nor shall such person or institution transact business under any name which contains the words “bank,” “banker,” “banking,” “savings bank,” “savings,” “trust,” “trustee” or “trust company.” Every person, firm, company, copartnership, or officer of a corporation violating the provisions of this section shall be guilty of a misdemeanor.

981x. **Commercial bank as assignee, etc.** Commercial banks, having a paid up capital and surplus of not less than \$100,000.00 upon the issuance to the particular bank of a permit by the bank commission, shall have authority and power: To act as assignees, agents, receivers, guardians of the estates of minors, and incompetent persons, executors and administrators, registrars of stocks and bonds, and to execute trusts of every description not inconsistent with law.

981x1. **Commercial bank—capital stock held.** Whenever any such bank shall accept an appointment as assignee, agent, receiver, guardian, executor or administrator, or be directed to execute any trust, the capital

of the said bank shall be held as security for the faithful performance of such duties, and be held liable for any default whatever, and no bond shall be required of it for the faithful performance of such trust.

981x2. Oath of officer is oath of bank. The oath or affidavit of any officer of such bank, for and on its behalf shall be deemed to be the oath or affidavit of such bank.

1007x. Impaired capital—commissioner to give notice for assessment—failure of stockholder to pay—commissioner may take possession. Every bank whose capital shall have become impaired by loss or otherwise, shall within ninety days after receiving notice from the bank commissioner cause the deficiency in such capital to be paid in by assessment upon the stockholders pro rata for the amount of capital stock held by each. If any stockholder of such bank neglects or refuses to pay such assessment as herein provided, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such stockholder or stockholders to be sold at public auction upon such notice as the law requires to make good the deficiency and the balance, if any, shall be returned to such delinquent shareholder or shareholders. If any bank shall fail to cause to be paid in such deficiency in its capital stock for ninety days after receiving such notice from the bank commissioner, he may forthwith take possession of the property and business of such bank until its affairs be finally liquidated as provided by law.

1000x. Removal of incompetent or dishonest official. If bank commissioner finds that any officer or employee of any bank or trust company or institution under his supervision is dishonest, reckless, or incompetent, or fails to perform any duty of his office, he shall notify the board of directors in writing of his objections to such officer or employee and said board shall, within twenty days after receipt of notification, meet and consider such objections, first giving notice to bank commissioner of time and place of meeting. If board finds objections well founded, such officer or employee shall be immediately removed.

1017x5. Penalty for libelous statement. Any person who wilfully and knowingly makes or circulates or transmits to another or others any statement or rumor written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, or who knowingly counsels, aids, procures or induces another to state, transmit or circulate any such statement or rumor, is guilty of a misdemeanor punishable by fine of not more than \$1,000, or by imprisonment for not more than one year or both.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

## CHAPTER 25.

Senate Bill No. 60.

Compiled Laws, 1917, p. 320; Laws, 1919, p. 41.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## VALUATION OF INSURANCE.

**An Act to amortize the valuation of bonds and other securities by life insurance companies, assessment life associations and fraternal beneficiary associations by the amortization method.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Value of insurance and fraternal bonds, etc. All bonds or other evidences of debt having a fixed term and rate held by any life insurance company, assessment life association or fraternal beneficiary association authorized to do business in this state may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price and adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and providing further, that the commissioner of insurance shall have full discretion in determining the method of calculating values according to the foregoing rule.

Sec. 2. This Act shall take effect upon approval.

Approved March 5, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 26.

Senate Bill No. 22.

Compiled Laws, 1917, p. 323; Laws, 1919, p. 39.

(Passed February 11, 1921. Approved February 18, 1921. In effect May 10, 1921.)

## EXAMINATIONS OF INSURANCE COMPANIES.

An Act amending Section 1133, Compiled Laws of Utah, 1917, as amended by Chapter 21, Laws of Utah, 1919, relating to examination of insurance companies.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 1133, Compiled Laws of Utah, 1917, as amended by Chapter 21, Laws of Utah, 1919, is hereby amended to read as follows:

1133. Duty of commissioner—powers—costs—false statements or records—penalty. The commissioner of insurance shall examine and inquire into violations of the insurance laws of this state, and for this purpose, or to see if the laws are obeyed, or to examine the financial condition, affairs and management of any company, he may visit or cause to be visited by any competent person or persons he may appoint, the head office in the United States of any domestic or foreign insurance company, applying for admission to or already admitted to do business in this state, and may for this purpose examine or investigate any company organized under the laws of Utah, and any agency of any company doing business in this state; provided, that the written consent of the director of finance and purchase must be obtained to all examinations, inquiries, or investigations made beyond the borders of the state of Utah. The cost of such examinations shall be paid by the company examined, and shall include the reasonable expenses of the commissioner, and assistants employed therein, whose services are paid for by the department, and the compensation and reasonable expenses of his assistants employed therein, whose services are not paid by the department. Duplicate receipts showing the entire costs of the examination authorized by the commissioner shall be taken and certified to by the company examined, and one shall be filed with the department of finance and purchase and the other shall be filed in and become a part of the public record of the insurance department. When insurance companies not admitted to do business in this state, or companies adjudged insolvent or companies for any cause withdrawing from the state, neglect, fail or refuse to pay the charges for examination, as approved by the commissioner, such charges shall be paid by the state treasurer upon the order of the commissioner, as provided in this Act, and the amount so paid shall be a first

lien upon all the assets and property of such company, and may be recovered by suit by the attorney general on behalf of the state of Utah, and restored to the state treasury. The commissioner may also examine companies upon the request of five or more of the policy holders, representing at least \$100,000.00 insurance in force, who shall make affidavit of their belief, with specifications of their reasons therefor in writing, showing reasonable grounds for such belief, that such company is in an unsound or insolvent condition; provided, that only the United States branches of companies incorporated in foreign countries shall be examined by said commissioner. For the purpose of examinations, inquiries or investigations as aforesaid, the commissioner or the person authorized to make them, shall have free access to all books and papers of an insurance company that relate to its business and the books and papers kept by any officer, agent or employee relating to or upon which any record of its business is kept and may summon witnesses and administer oaths or affirmations in the examination of the directors, trustees, officers, agents or employees of any such company and any other person in relation to its affairs, transactions and conditions. He may require and compel the production of records, books, papers, contracts or other documents by attachment, if necessary. Any person knowingly or wilfully testifying falsely in reference to any matter material to said investigation, examination or inquiry, shall be deemed guilty of perjury, and punished accordingly; and any person who shall wilfully refuse or fail to attend, answer or produce books or papers, or who shall refuse to give said commissioner or the person authorized by him full and truthful information and answer in writing to any inquiry or question made in writing by said commissioner or the person authorized by him, in regard to the business of insurance carried on by such person, or other matters under investigation, or refuse or wilfully fail to appear and testify under oath before the commissioner or person authorized by him, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$500.00 or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. Any director, trustee, officer, agent or employee of any insurance company, or any other person, who shall knowingly or wilfully make any false certificate, entry or memorandum upon any of the books or the papers of any insurance company, or upon any statement filed or offered to be filed in the insurance department of this state, or used in the course of examination, inquiry or investigation, with the intent to deceive the commissioner or any person employed or appointed by him to make such examination, inquiry or investigation, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00, or by imprisonment not less than two months nor

more than twelve months in the county jail, or by both such fine and imprisonment.

Sec. 2. This Act shall take effect upon approval.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the Senate.)

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## CHAPTER 27.

Senate Bill No. 83.

Compiled Laws, 1917, p. 325.

(Passed March 8, 1921. Approved March 10, 1921. In effect May 10, 1921.)

### FEES AND TAXES OF INSURANCE COMPANIES.

An Act amending Section 1135, Compiled Laws of Utah, 1917, relating to fees and taxes to be paid by insurance companies.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1135, Compiled Laws of Utah, 1917, be amended to read as follows:

1135. Fees by insurance companies. There shall be paid by every insurance company doing business in this state, to the commissioner of insurance, the following fees:

For filing statement preliminary to admission (foreign companies), \$50.00;

For filing certified copy of acceptance by foreign companies of the provisions of the constitution of the state of Utah, \$3.00;

For filing any power of attorney, \$1.00;

For filing articles of incorporation and by-laws of foreign companies, and examination thereof, \$25.00;

For filing amendments to articles of incorporation and by-laws of foreign companies and examination thereof, \$5.00;

For filing annual statement, \$50.00;

For certificate of authority to transact business in this state, \$5.00;

For each copy of certificate of authority for use of agents and solicitors, \$2.00;



For preparing synopsis of annual statement for publication and certifying the same, \$5.00;

For each copy of any paper filed in his office, per folio, 20 cents;

For affixing the seal of his office and certifying any paper, \$1.00;

For filing any other document, \$1.00.

All insurance companies engaged in the transaction of business of insurance in this state shall annually, on or before the 1st day of March in each year, pay to the commissioner of insurance  $1\frac{1}{2}$  per cent of the gross amount of premiums received, less the amount of all premiums returned and in the case of life insurance companies, less the amount of annual dividends including premium reduction coupons, maturing within said year and paid to policy-holders either in cash or applied in abatement or reduction of premiums due, within this state during the year ending the previous 31st day of December; provided, that if any insurance company shall have paid a property tax during said year, it shall be entitled to deduct from the tax herein provided the amount of such property tax paid for general state purposes.

Approved March 10, 1921.

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## CHAPTER 28.

House Bill No. 210.

Compiled Laws, 1917, p. 327.

(Passed March 9, 1921. Approved March 14, 1921. In effect May 10, 1921.)

### INSURANCE CORPORATIONS—CERTIFICATE OF AUTHORITY, ETC.

An Act to amend Section 1140, Compiled Laws of Utah, 1917, requiring every insurance company to secure certificates of authority for company and its agents before doing business in Utah, relating to procurement of licenses and defining agents or solicitors and fixing penalties for violation of this Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1140, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

Sec. 1140. Certificate of authority before doing business—revocation—insurance agent defined—penalty, etc. 1. No foreign or domestic insur-

ance company shall transact any insurance business in this state unless it shall first procure from the commissioner a certificate of authority stating that the requirements of the laws of this state have been complied with and authorizing it to do business. Said certificate of authority shall expire on the last day of February in each year, and shall be renewed annually if the company has continued to comply with the laws of the state.

2. Every such company shall, through its proper officer or agent, promptly notify the commissioner in writing of the name, title and address of each person, firm, or corporation it shall appoint or employ to act as agent or solicitor in this state. Upon receipt of this notice, together with the fee required by this chapter, if such person is of good reputation and character and the facts warrant it, the commissioner shall issue to such person, firm, or corporation, a certificate, which shall include the name of the company requesting it, a copy of the certificate of authority authorizing it to do business in this state, and the name and title of the person to whom the certificate is issued. Such certificate, unless revoked by the commissioner for cause, or canceled at the request of the company employing the holder thereof, shall continue in force until the 1st day of March next after its issue and must be renewed annually.

3. Cause for the revocation of the certificate of an agent or solicitor may exist for violation of the insurance laws, or, if it shall appear to the commissioner, upon due proof, after notice that such agent or solicitor has knowingly deceived or defrauded a policyholder or person being solicited for insurance, or that such agent or solicitor has unreasonably failed and neglected to pay over to the company, or its agent entitled thereto, any premium or part thereof, collected by him on any policy of insurance. The commissioner shall publish such revocation in such manner as he deems proper for the protection of the public.

4. A person who is not provided with a certificate from the commissioner as an authorized agent or solicitor of an insurance company, and who, for compensation, transmits for a person other than himself an application for a policy of insurance to or from such company, shall be an insurance agent or solicitor within the intent and for the purposes of this chapter, and shall therefore become liable for all duties, requirements, liabilities, and penalties to which an agent of such company is subject, and such company, by compensating such person through any of its officers, agents, or solicitors shall thereby accept and acknowledge such person as its agent or solicitor in such transactions.

5. When an application is received for a certificate of authority, for an agent or solicitor for a life insurance company for a person already authorized by the commissioner to act for another insurance com-

pany, it shall be the duty of the commissioner to notify the company for which such person is already authorized to act of such application, and to also notify the company by or for which the application is made, of the name of the company for which such person is already authorized to act as agent or solicitor.

6. It shall be the duty of every person soliciting insurance in this state to comply with the provisions of this chapter, relating to the procurement of certificates; and any person who solicits insurance without the certificate of authority of an agent or solicitor for the company receiving the business as required by this chapter, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than \$100.00 or by imprisonment in the county jail not exceeding two months, or by both such fine and imprisonment, in the discretion of the court.

7. Any person who shall solicit and procure an application for insurance, other than fire insurance, shall, in any controversy between parties to the contract, or between the parties to the contract and the beneficiary, if any, be held to be the company's agent, whatever condition or stipulations may be contained in the policy or contract; but such policy may provide that no statement or declaration made to or by any agent, examiner, or other person, not contained in the application, shall be taken or considered as having been made to or brought to the notice or knowledge of the company, or as charging it with any liability by reason thereof. Such agent who knowingly procures by fraudulent representations payment of an obligation for payment of premium of insurance, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 or more than \$1,000 or by imprisonment in the county jail for not more than one year.

8. An insurance agent who acts in negotiating a contract of insurance or who collects premiums for an insurance company lawfully doing business in this state, and who embezzles or fraudulently converts to his own use or with the intent to use or embezzle, takes, secretes, or otherwise disposes of or fraudulently withholds, appropriates, lends, invents, or otherwise uses or applies any money or substitute for money received by him as such agent, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be guilty of larceny and be punished accordingly.

9. Any solicitor, agent, or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance or for the purpose of obtaining any money or benefit in any corporation transacting business under this chapter, shall be guilty of a misdemeanor, and upon conviction



shall be punished by a fine of not less than \$100 nor more than \$500.00 or by imprisonment in the county jail for not less than thirty days nor more than one year, or both in the discretion of the court.

Approved March 14, 1921.

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## CHAPTER 29.

House Bill No. 211.

Compiled Laws, 1917, p. 329.

(Passed March 8, 1921. Approved March 14, 1921. In effect May 10, 1921.)

### CLASSIFICATION OF INSURANCE BUSINESS.

An Act to amend Section 1144, Compiled Laws of Utah, 1917, classifying insurance and fixing the minimum capital stock required of insurance companies doing business in the state of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1144, Compiled Laws of Utah, be and the same is hereby amended to read as follows:

Sec. 1144. Classification—limitations and definitions—foreign corporations. (1) All insurance business in the state of Utah, is hereby classified in the following eight kinds, namely:

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities.
2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes.
3. Marine insurance, including within its meaning insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation.
4. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds.

5. Liability insurance, including within its meaning workmen's compensation insurance and all other insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employee or other person, and for which the insured is liable.

6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto.

7. Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only, nor be construed to prevent a life insurance company which also transacts liability insurance from issuing a policy of insurance upon an automobile, covering the liability hazard only.

8. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance; and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

No company shall do any of the foregoing kinds of insurance unless authorized to do so by its articles of incorporation or charter.

(2) No company having a capital stock shall do life insurance in Utah without having a capital stock of at least \$200,000.00, nor shall any such company do in Utah any other of said kinds of insurance except the fifth and sixth classes; provided that any such insurance company desiring to do either the fifth or sixth class must have in addition to such \$200,000.00 of capital stock at least \$50,000.00 of capital stock for each class it desires to do and \$100,000.00, additional capital stock to do both such additional classes.

(3) No company having a capital stock shall do in Utah any fire insurance without having a capital stock of at least \$200,000.00 nor shall any such company do in Utah any other of said kinds of insurance except the third, seventh and eighth classes. To do both fire and marine insurance such company must have a capital stock of at least \$400,000.00 and to do any other class of insurance such company must have an additional

capital stock of at least \$50,000.00 for each such additional class that it desires to do in addition to the two hundred thousand dollars required if it does fire insurance or the four hundred thousand dollars required if it does both fire and marine insurance.

(4) No company having a capital stock shall do in Utah any of said third kind of insurance without having a capital stock of at least \$200,000.00, nor shall any such company do in Utah any other of said kinds of insurance except the second, seventh and eighth classes. To do both fire and marine insurance such company must have a capital stock of at least \$400,000.00 and to do either the seventh or eighth classes such company must have an additional capital stock of at least \$50,000.00 for each such additional class it desires to do, and \$100,000.00 to do both such additional classes in addition to the \$200,000.00 required if it does marine insurance or the four hundred thousand dollars if it does both marine and fire insurance.

(5) No company having a capital stock shall do in Utah any of the fourth or fifth of said kinds of insurance without having a capital stock of at least two hundred and fifty thousand dollars for each of said classes it desires to do and at least \$500,000.00 to do both of said classes of insurance. Nor shall any such company do in Utah any of the sixth, seventh or eighth of said kinds of insurance without having an additional capital stock of at least \$50,000.00 for each of said classes it desires to do in addition to the \$250,000.00 required if it does fidelity and surety insurance or the \$500,000.00 if it does both fidelity and surety insurance and liability insurance.

(6) No company having a capital stock shall do in Utah any of the sixth, seventh or eighth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first of said classes of insurance such company desires to do nor do any other of said classes without having in addition to such \$100,000.00 of capital stock, at least \$50,000.00 of additional capital stock for each additional kind of insurance it desires to do.

(7) Except as above prescribed, no company doing either the fourth, fifth, sixth, seventh or eighth classes of insurance shall do any of the first, second or third classes of insurance.

(8) Such capital stock must be fully paid up before doing any such business in the state of Utah, and must be unimpaired and exclusive of all liabilities for losses reported, expenses, taxes and other outstanding liabilities including the legal reserve of life insurance companies and the reinsurance reserve of companies other than life as provided in Section 1153, Compiled Laws of Utah, 1917, provided, however, that nothing contained in this Act shall prevent companies heretofore authorized and



now transacting the business of insurance in this state from continuing in such business on account of not having the capital required herein.

(9) No mutual or mutual assessment company shall do in Utah, any fire insurance without having cash assets of at least one hundred thousand dollars, such assets to be net after deducting all liabilities.

No mutual or mutual assessment fire insurance company shall receive a certificate of authority to do business in this state until it has filed with the insurance commissioner a satisfactory bond, to be approved of by the insurance commissioner, executed by a surety company authorized to do business in this state, in the penal sum of \$10,000.00, for the use and benefit of the policy-holders of such company in this state, who in any action against such company, may make such surety company defendant to the suit, and a judgment shall be rendered against it as shall be proper. If the total annual premiums of such company in this state should exceed \$10,000.00 then the bond shall be increased to an amount equal to such premiums. If the insurance company so desires, it may, in lieu of such bond, deposit with the commissioner of insurance bonds or securities of the kind mentioned in paragraph one, Section 1145, equal in value to the amount of such bond, the value thereof to be determined by said commissioner. In the event a policy-holder of this state recovers judgment against such company, the court shall make such decree for the sale of such securities to satisfy the same as may be just and proper.

(10) No mutual or mutual assessment company shall do in Utah any of the fourth or fifth of said classes of insurance without having cash assets of at least \$250,000.00 for each of said classes it desires to do and \$500,000.00 to do both of said classes of insurance nor shall any such mutual or mutual assessment company do any of the sixth, seventh or eighth of said kinds of insurance without having additional cash assets of at least \$50,000.00 for each of said classes it desires to do in addition to the \$250,000.00 required if it does either fidelity and surety insurance or liability insurance or the \$500,000.00 if it does both fidelity and surety insurance and liability insurance, such assets to be net over and above all liabilities.

(11) No mutual or mutual assessment company shall do in Utah any of the sixth, seventh or eighth of said kinds of insurance, without having cash assets of at least \$100,000.00 for the first of said classes of insurance such company desires to do, nor do any other of said classes without having in addition to such \$100,000.00 of cash assets at least \$50,000.00 of additional cash assets for each additional kind of insurance it desires to do; such assets to be net over and above all liabilities.

Companies with a guaranty fund shall be required to have the same capital and surplus as that required of joint stock companies.

(12) No insurance company not organized under the laws of a state, territory, or district of the United States shall be admitted or permitted to do business in this state, until, besides complying with the insurance laws of this state, it has made a deposit with the commissioner of insurance of this state, or with the duly authorized officer of some other state of the United States, of a sum of not less than the capital, or capital and surplus, or guaranty, or surplus fund required of like companies under this chapter. Such deposit must be an exclusive trust for the benefit and security of all the company's policy-holders and creditors in the United States, and may be made in the securities, but subject to the limitations specified in Section 1145; and such deposit shall be deemed for all purposes of the insurance laws, the capital, or capital and surplus, or guaranty, or surplus fund of the company making it.

Approved March 14, 1921.

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## CHAPTER 30.

House Bill No. 144.

Compiled Laws, 1917, p. 330.

(Passed March 9, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### INVESTMENTS BY INSURANCE COMPANIES.

An Act to amend Section 1145, Compiled Laws of Utah, 1917, relating to investments by insurance companies transacting business in the state of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1145, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

1145. Investments by insurance companies—mining companies excluded. No insurance company shall transact business in this state unless it is possessed of the actual amount of capital or guaranty of surplus funds as required in Section 1144, in cash or invested in bonds or public stock issued or created by the United States, or by this state, or by any other state of the United States, or the District of Columbia, or any or either of them, or by any of the incorporated cities, counties, townships, or other municipal corporations thereof; or in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said states, or the District of Columbia, or either of them, worth at least 50 per cent more than the sum invested or loaned thereon; provided,

that no water rights applications, made to the United States for a water right under any United States reclamation service project, shall be construed, under this section, to be an encumbrance on the real estate therein described, provided that all taxes, accrued interest and due assessments or installments on the said water right application are fully paid. Provided further, that any lien created under or pursuant to the statutes of Utah or of any other state of the United States relating to drainage, irrigation or water districts, to secure the payment of bonds issued by said drainage, irrigation or water districts, or the annual maintenance charges within such districts, shall not be construed to constitute an encumbrance within the purview of this Act. Domestic insurance companies hereafter organized may, after complying with the provisions of this chapter, invest their additional surplus, or other funds, in such securities as are named in paragraph 1 hereof; or may loan upon, or purchase real estate or mortgage bonds of railroad companies organized under the laws of said states or the District of Columbia, or either of them or operated therein, or the capital stock, bonds, securities, or evidences of indebtedness created by any corporation or corporations created under the laws of the United States, or of this or any other state, except the stock of mining companies; provided, that no loan shall be made or retained on any of the above mentioned securities, except the bonds or stocks issued or created by the United States or this state, exceeding 90 per cent of the market value thereof; and provided, further, that no loan shall be made by any company on its own stock; and any life insurance company of this state may, in addition to the foregoing, purchase for its own benefit any policy of insurance or other obligation of the company, and any claims of the policy-holders, and may lend to the holders of policies of the company a sum not exceeding the reserve value of the policies and surplus or dividend additions thereto, if any, at the time the loan is made, for the payment of which loan the policies and all profits thereon shall be pledged. After January 1, 1915, domestic insurance companies now organized shall be subject to the provisions of this paragraph.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.



## CHAPTER 31.

Senate Bill No. 86.

Compiled Laws, 1917, p. 351.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## RIGHT OF WAY FOR RAILROADS THROUGH STATE LANDS.

An Act amending Section 1233, Compiled Laws of Utah, 1917, relating to granting right of way through state lands to railroad companies.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1233, Compiled Laws of Utah, 1917, be amended to read as follows:

1233. Grant of right of way to railroads—*forfeiture.* The right of way through the state lands not appropriated to some public use is hereby granted to any railroad company duly organized under the laws of any state or territory or by the congress of the United States, which shall have filed with the secretary of state a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of seventy-five feet on each side of the central line of said road; also the right to take, from the state lands adjacent to the line of said road, material, earth, stone and timber, necessary for the construction of said railroad; also ground adjacent to such right of way for station building, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed in amount ten acres for each station, to the extent of one station for each ten miles of its road. Any railroad company desiring to secure the benefits of this section shall, immediately after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, immediately after the official survey thereof, file with the state land commissioner a map of its road; and upon approval thereof by the secretary of state the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way; provided, that if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

Approved March 5, 1921.

## CHAPTER 32.

House Bill No. 88.

Compiled Laws, 1917, p. 359.

(Passed February 25, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## REINSTATEMENT OF DELINQUENT CORPORATIONS.

An Act to amend Section 1275, Compiled Laws of Utah, 1917, relating to the reinstatement of corporations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1275, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

1275. Reinstatement of delinquent corporations—conditions. The governor is hereby authorized to reinstate any corporation in its right to carry on business in this state, and in the exercise of its corporate privileges and immunities in case such corporation, on or before the 1st day of July following the first Monday in April, shall pay to the secretary of state all taxes due, together with the penalty, costs, and expenses incurred by the state. In case such payment is made and the governor reinstates the corporation in its former rights, he shall at once notify the secretary of state of his action, and the secretary shall, upon receiving such notice, issue and deliver to the corporation so reinstated a certificate authorizing it to transact business the same as if the tax had been paid when due as herein provided. If the default of any corporation results from the mistake, inadvertence or excusable neglect of its officers or agents, the governor, upon good cause being shown therefor, is hereby further authorized to reinstate such corporation in its right to carry on its business in this state at any time within three years from the entry of the default of such corporation; provided such defaulting corporation shall pay to the secretary of state all taxes due, together with the penalty, costs and expenses incurred by the state, and interest on said amount at the rate of twelve per cent per annum. The secretary of state, upon receiving notice from the governor of the reinstatement of the corporation, and upon receiving payment from the corporation of the taxes, penalty, costs, expenses and interest, shall issue and deliver to the corporation so reinstated a certificate authorizing it to transact business, the same as if the tax had been paid when due, as herein provided. Corporations whose charters have been heretofore forfeited, shall have one year from the passage and approval of this Act within which to take advantage of the provisions thereof.

Approved March 5, 1921.

## CHAPTER 33.

House Bill No. 94.

Compiled Laws, 1917, pp. 360-4; Laws, 1919, p. 47.

(Passed March 7, 1921. Approved March 10, 1921. In effect March 10, 1921.)

## COUNTY BOUNDARIES.

An Act to amend Section 1306, Compiled Laws of Utah, 1917, as amended by Chapter 27, of the Laws of Utah, 1919, and Section 1313 of the Compiled Laws of Utah, 1917, relating to the boundary lines of Millard and Sevier counties.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Section 1306, Compiled Laws of Utah, 1917, as amended by Chapter 27, Laws of Utah, 1919, and Section 1313, Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows:

Sec. 1306. Millard county. Beginning at the southeast corner of section 24, township 17 south, range 2 west, Salt Lake base and meridian, on range line between ranges 1 and 2 west; thence west to the southwest corner of section 22 near the summit of Sevier hill; thence north to the southeast corner of section 16; thence west on section line to the summit of the range separating Oak creek district from Little valley; thence northerly following the last mentioned summit to its point of intersection if prolonged, with the middle of the channel of Sevier river; thence southwesterly down the middle of said channel to the mouth of lower Sevier canyon; thence west on township line between township (line between township) 14 and 15 south, to the boundary of the state; thence south to a point west of a point two miles south of the south side of Fort Wilden on Cove creek; thence east to the summit of the range separating Sevier valley from Pahvant and Round valleys; thence to the southwest corner of section 31, township 25 south, range 5 west; thence east one-half mile; thence north two miles; thence east one mile; thence north 3 miles; thence east one-half mile; thence north one mile; to the northwest corner, section 4, township 25 south, range 5 west; thence east one-half mile; thence north one mile; thence east one mile; thence north one-half mile; thence east five miles; to the center of section 28, township 24 south, range 4½ west; thence south one-half mile; thence east two and one-half miles; thence north one-half mile; thence east one mile; thence north one-fourth of a mile; thence east one-half mile; thence north one mile; thence east one-half mile; thence north one-fourth mile; to the northwest corner of section 20, township 24 south, range 4 west; thence east one mile; thence north



one-half mile; thence east three-fourths mile; thence north one-half mile; thence east one-fourth of a mile to the southwest corner, section 10, township 24 south, range 4 west; thence north one-half mile; thence east one mile; thence north two and one-half miles; thence west one-half mile; thence north five miles to the quarter section corner on the north side of section 3, township 23 south, range 4 west; thence north along section line between sections 31 and 32 to the northwest corner of section 32, township 22 south, range 3 west; thence east two miles; to the southeast corner section 28, township 22 south, range 3 west; thence north one mile; thence east one mile; thence north two miles; thence east one mile; thence north two miles; thence east one mile to the southeast corner section 36, township 21 south, range 3 west; thence north one and one-half miles more or less to the southwest corner section 21, township 21 south, range 2½ west; thence east to the quarter section corner on the south side section 19, township 21 south, range 2 west; thence north two miles; thence east one-half mile to the southeast corner of section 7, township 21 south, range 2 west; thence north one-half mile; thence east two miles; thence north to the northwest corner of section 3, township 21 south, range 2 west; thence east to the southeast corner of section 36, township 20 south, range 2 west, thence north on the range line between ranges 1½ and 2 west to the southeast corner of section 24, township 17 south, range 2 west, Salt Lake base and meridian, to the point of beginning.

Sec. 1313. **Sevier county.** Beginning at a point on the line between the ranges 5 and 6 east one mile north of fourth standard parallel south, thence west to the east bank of the Sevier river; thence northerly along east bank of said river to a point west of a point where the road between Gunnison and Salina crosses Willow creek at the forks of said creek; thence west to the range line between ranges 1½ and 2 west, township 20 south; thence south to the southeast corner section 36, township 20 south, range 2 west, thence west to the northwest corner, section 3, township 21 south, range 2 west, thence south to the one-fourth corner on the east side of section 9, township 21 south, range 2 west; thence west two miles; thence south one-half mile; thence west one-half mile; thence south two miles; thence west one-half mile to the southwest corner of section 19, township 21 south, range 2 west; thence west to the southwest corner section 21, township 21 south, range 2½ west; thence south to the southeast corner of section 36, township 21 south, range 3 west; thence west one mile; thence south two miles; thence west one mile; thence south two miles; thence west one mile; thence south one mile; thence west two miles to the southeast corner of section 30, township 22 south, range 3 west; thence south along section line between sections 31 and 32 to the quarter corner on the north side of section 3, township 23 south, range 4 west; thence south

five miles; thence east one-half mile; thence south one mile to the southeast corner of section 34, township 23 south, range 4 west; thence south one and one-half miles; thence west one mile; thence south one-half mile; thence west one-fourth mile; thence south one-half mile; thence west three-fourths mile; thence south one-half mile; thence west one mile; thence south one-fourth mile; thence west one-half mile; thence south one mile; thence west one-half mile; thence south one-fourth mile; thence west one mile; thence south one-half mile to the southeast corner of section 26, township 24 south, range 4½ west; thence west two and one-half miles; thence north one-half mile; thence west five miles; thence south one-half mile; thence west one mile; thence south one mile; thence west one-half mile to the southeast corner of section 32, township 24 south, range 5 west; thence one mile south; thence one-half mile west; thence south three miles; thence west one mile; thence south two miles; thence west one-half mile to the southwest corner of section 31, township 25 south, range 5 west; thence to the northeast corner of Beaver county at the summit of the range separating Sevier valley from Round and Pahvant valleys; thence southwesterly along the summit of said range to a point thereon due west of the point at which the wagon road crosses the summit between Marysville and Monroe; thence east to the line between ranges 5 and 6 east; thence north to the point of beginning.

Sec. 2. This Act shall take effect upon approval.

Approved March 10, 1921.

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## CHAPTER 34.

House Bill No. 4.

Compiled Laws, 1917, p. 373.

(Passed January 27, 1921. Approved February 5, 1921. In effect February 5, 1921.)

### COUNTIES—CORPORATE POWERS.

An Act amending Section 1364, Compiled Laws of Utah, 1917, relating to a county lending its credit and incurring indebtedness.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 1364, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

1364. County indebtedness—authority to borrow—limitations—payment. No county shall, in any manner, give or lend its credit to or in

aid of any person or corporation, or appropriate money in aid of any private enterprise. No county shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any one year the taxes for the current year, without the consent of a majority of such qualified electors thereof as shall have paid a property tax therein in the year preceding such election, voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof within twenty years of the time of contracting the same. For the purpose of meeting the current expenses of the county and for the purpose of meeting the expenses incurred in the building and maintaining in said county of state roads built under and by authority of the provisions of Sections 2852, 2853, 2856, 2857, the board of county commissioners may borrow money, not in excess of ninety per cent of the taxes for the current year, issuing therefor negotiable notes or bonds of the county bearing interest at the lowest rate obtainable not exceeding eight per cent per annum. In the event that such notes or bonds are issued prior to the annual tax levy for the year in which said indebtedness is contracted, the amount so issued for current expenses shall not exceed seventy-five per cent of the tax revenues of the preceding year, and the proceeds shall be applied only in payment of current and necessary expenses and there shall be included in said annual levy a tax sufficient to pay the same at maturity. In the event that the revenues in any one year are insufficient through delinquency or uncollectibility of taxes, or other cause, to pay when due all the lawful debts of the county which have been or may hereafter be contracted, the board of county commissioners is authorized and directed to levy and collect in the next succeeding year a sufficient tax to pay all of said lawfully contracted indebtedness, and may borrow as provided in this section in anticipation of such tax to pay any such lawfully contracted indebtedness; provided, that no such loan or loans shall be for a longer period than until the 31st of December next following the date, of said loan or loans; provided, that no loan or loans made as herein provided, on or after the 1st day of January, 1923, shall bear interest at a rate in excess of seven per cent per annum, and, provided further, that the promissory note or notes executed to raise funds for current expenses shall be paid out of the taxes levied for such current expenses and promissory notes executed for the purpose of raising funds to pay for the building and maintenance of roads, as herein provided, shall be paid only from the moneys derived for the purposes of said road building, whether said moneys be from state road fund for use in said county provided for by sub-section A, Section 6, Chapter 81, Laws of Utah, 1915 (Section 2856), from the special road tax, or



from the appropriation by the county from the general county fund for state roads in the said county.

Sec. 2. This Act shall take effect upon approval.

Approved February 5, 1921.

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## CHAPTER 35.

House Bill No. 80.

Compiled Laws, 1917, p. 379.

(Passed February 23, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### COUNTY COMMISSIONERS, ROADS, FERRIES, AIRPLANE HANGARS, ETC.

An Act to amend Section 1400x24, Compiled Laws of Utah, 1917, so as to authorize boards of county commissioners to lay out, erect, maintain and manage landing fields and hangars for use of airplanes, or other vehicles for aerial travel.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1400x24, Compiled Laws of Utah, 1917, be, and the same is hereby, amended to read as follows:

1400x24. Roads, bridges, hangars, etc. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries and bridges within the county, outside of incorporated cities, landing fields and hangars for the use of airplanes or other vehicles for aerial travel, anywhere within the county; provided, that the board shall not change or alter the location of any public highway that has had public money or poll tax expended upon it, unless a petition signed by a majority of the freeholders of the precinct wherein such change is proposed ask for such change, nor shall the board declare any road not a public highway that has had money appropriated and expended upon it by act of the legislature of the territory or of the state of Utah, without the consent of the legislature.

Approved March 5, 1921.

## CHAPTER 36.

House Bill No. 215.      Compiled Laws, 1917, p. 379; Laws, Special Session, 1919, p. 6.  
(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## COUNTY COMMISSIONERS TO MAKE WATER-SURVEYS.

An Act amending Section 1 of Chapter 4 of the Special Session Laws of Utah, 1919, relating to the authority of county commissioners to make certain surveys and investigations relating to the sources of water supply and distribution, drainage, and reclamation of lands, and to make expenditures therefor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 1, of Chapter 4, of the Special Session Laws of Utah, for 1919, is hereby amended to read as follows:

Sec. 1. Counties may make water surveys. That board of county commissioners of the several counties within the state of Utah, or any of them, jointly or separately, may and are hereby authorized and empowered to cause water surveys to be made, or data relating to the supply, distribution and use of water, or the necessity for drainage, or other reclamation work, or any information looking to the conservation of water, or the reclamation of lands within the county or counties, to be compiled, and to use or distribute such data or information in encouraging or aiding the conservation of water for the reclamation of lands within the county or counties, and to expend moneys from the general fund of the county not exceeding \$5,000.00 in any one year to cover the expense thereof; provided, that, if any board of county commissioners so determines, such water surveys may be made, and such data compiled and distributed by the Utah water storage commission, in which event the money appropriated for that purpose by such board of county commissioners shall be paid to the state treasurer for disbursement by warrants of the state auditor upon requisition of the Utah water storage commission for the benefit of the county making such payment.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.

## CHAPTER 37.

House Bill No. 9.

Compiled Laws, 1917, p. 385.

(Passed February 14, 1921. Approved March 8, 1921. In effect May 10, 1921.)

## SPECIAL TAX FOR ADVERTISING PURPOSES.

An Act amending Section 1401 of the Compiled Laws of Utah, 1917, authorizing counties of the state of Utah to levy a special tax for the purpose of displaying the products and industries of any county in the state at domestic or foreign exhibitions for the purpose of encouraging immigration and increasing trade in the products of the state.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1401 be and the same is hereby amended to read as follows:

Sec. 1401. Counties may levy special tax for exhibitions—limitation. The board of county commissioners of the several counties within the state of Utah, or any of them, may and are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund, not exceeding \$7,500.00, in any one year in any one county, to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, fair or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state of Utah; provided, the total tax levied for such purpose in any one year shall not exceed two cents on each \$100.00 of taxable property in the county, according to the assessment roll.

Approved March 8, 1921.



## CHAPTER 38.

House Bill No. 218.

Compiled Laws, 1917, p. 393; Laws, 1919, p. 153.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## CIVIL WAR VETERANS.

An Act providing, upon application, aid for certain veterans of the Civil War, their widows and army nurses, and other Civil War veterans, and providing for their burial; and repealing Sections 1437, 1438 and 1439, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Civil War veterans. That for the purposes of providing a fund to enable certain veterans of the Civil War, their widows and army nurses, who are the head of a family, and who have been an actual and bona fide resident of the state of Utah for not less than two years, to remain in their own homes, in this state, and providing for other Civil War veterans, who by reason of sickness or other disability are in need; and further providing for the burial of said veterans, under the provisions of this Act, there is hereby appropriated and set aside, annually, for that purpose, the sum of six thousand dollars (\$6,000.00) or so much thereof as may be necessary.

Sec. 2. Disbursement of funds. That such funds shall be disbursed under the supervision of the department commander of the Grand Army of the Republic, department of Utah, to the beneficiaries under this Act; and that the said department commander, and the attorney general of the state of Utah are hereby empowered to make all necessary rules and regulations for the distribution of said funds appropriated under this Act.

Sec. 3. Request made to state auditor. That whenever it is shown that any person coming under the provisions of Section one (1) of this Act is entitled to any of such funds, the said department commander shall present his written request for the beneficiary, for such sum or sums as may be necessary, not to exceed in any one case \$15.00 per month, to the state auditor, who shall draw his warrant on the state treasurer in favor of such beneficiary for the uses and purposes provided in this Act.

Sec. 4. G. A. R. burial expense. That a sum not exceeding one hundred dollars (\$100.00) shall be allowed from said fund for the burial expenses of any Civil War veteran, who shall die a resident of this state, and upon application therefor, by the family of the deceased

soldier, or said department commander, and upon satisfactory proof, that the deceased soldier is entitled to the benefits of this Act, the department commander shall certify the fact to the state auditor, who shall issue his warrant on the state treasurer for the amount specified in this section, payable to the undertaker in charge of the burial of such deceased soldier.

Sec. 5. No burial in pauper ground. That no person coming under the provisions of this Act shall be buried in any portion of any cemetery or burial ground used for the burial of paupers.

Sec. 6. Sections repealed. That Sections 1437, 1438 and 1439, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 7. This Act shall take effect upon approval.

Approved March 17, 1921.

## CHAPTER 39.

House Bill No. 233.

Compiled Laws, 1917, p. 395.

(Passed March 9, 1921. Approved March 21, 1921. In effect May 10, 1921.)

### TERM OF OFFICE OF COUNTY AND PRECINCT OFFICERS.

An Act to amend Section 1460, Compiled Laws of Utah, 1917, relating to the term of office of county and precinct officers.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1460, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

Sec. 1460. Election of county and precinct officers. The elective county and precinct officers, except otherwise provided for in this title, and except justices of the peace and constables in cities having a population of more than fifteen thousand (15,000) and less than forty thousand (40,000) inhabitants, shall be elected at a general election to be held in November, 1922, and every four years thereafter, unless otherwise provided, and shall take office at twelve o'clock meridian, on the first Monday in January next following the date of their election. Commissioners and county attorneys shall be elected as provided by law. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified.

Approved March 21, 1921.

## CHAPTER 40.

House Bill No. 54.

Compiled Laws, 1917, p. 396; Laws, 1919, p. 336.

(Passed February 15, 1921. Approved February 23, 1921. In effect May 10, 1921.)

### REPORT ON DELINQUENT TAXPAYERS.

An Act requiring county treasurers to report to the state board of equalization the names of taxpayers assessed by the state board and who have not paid the taxes levied thereon.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. County treasurer to report on delinquent taxpayers. Each county treasurer shall during the first week in February of each year report to the state board of equalization the names of each person and corporation who have failed to pay the taxes assessed and levied against them during the preceding year by the state board of equalization.

Approved February 23, 1921.

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## CHAPTER 41.

House Bill No. 5.

Constitution Utah, Art. VIII, Sec. 6, Compiled Laws, 1917, p. 419.

(Passed March 5, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### DISTRICT COURT—JUDGES.

An Act to increase the number of district judges in and for the seventh judicial district of the state of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Two judges in seventh district. That from and after the passage and approval of this Act, there shall be two district judges in and for the seventh judicial district of this state.

Sec. 2. Governor to appoint. That the governor be, and he is hereby authorized and required to appoint one district judge in and for the seventh judicial district, within twenty days after the passage and approval of this Act, whose term of office shall be from date of appointment and qualifications, and ending on the first Monday in



January, 1923, and until his successor shall have been elected and qualified.

Sec. 3. That this Act shall become effective upon approval.

Approved March 10, 1921.

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## CHAPTER 42.

House Bill No. 141.

Compiled Laws, 1917, p. 423; Laws, 1919, p. 57.

(Passed March 8, 1921. Approved March 12, 1921. In effect March 12, 1921.)

### JUDGES OF CITY COURTS.

An Act to amend Section 1704, Compiled Laws of Utah, 1917, as amended by Chapter 34, Session Laws of Utah, 1919, relating to appointment of judges of the city courts.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1704, Compiled Laws of Utah, 1917, as amended by Chapter 34, Session Laws of Utah, 1919, be, and the same is hereby amended to read as follows:

Sec. 1704. Failure of judge forfeits office—mayor to appoint judge *pro tempore*. In case any judge of the city court shall fail or refuse to perform the duties of his office for a period of thirty (30) consecutive days, without reasonable excuse, or in case he shall absent himself from the state for ninety (90) days, he shall be deemed to have forfeited his office, except that such absence may be extended as provided by the constitution of this state in the case of judicial officers, and in case any vacancy occurs in the office of judge of the city court by death, resignation, absence, failure, or refusal to perform his duties, or otherwise, the said office shall be filled by the mayor of said city, by and with the consent of the city commissioners, or city council and the appointee shall hold his office for the same time, as provided in the case of appointees to state and judicial offices. During the absence of the city judge from the city, or in case of his sickness or inability to act, the mayor shall have the power to appoint, by and with the consent of the city commissioners, or city council, a judge *pro tempore* during such absence, sickness or inability to act, and said judge *pro tempore* so appointed, shall possess all the qualifications required of the city judge and shall be vested with the same powers and authority.

Sec. 2. This Act shall take effect upon approval.

Approved March 12, 1921.

## CHAPTER 43.

House Bill No. 104.

Compiled Laws, 1917, p. 423; Laws, 1919, p. 57.

(Passed February 25, 1921. Approved March 4, 1921. In effect March 4, 1921.)

## CITY COURTS.

An Act to amend Sections 1706, 1710 and 1722, of the Compiled Laws of Utah, 1917, as amended by Chapter 34, of the Session Laws of Utah, 1919, and to add a new section to be known as Section 1700x; relating to the creation of city courts in certain cities; fixing the salaries of judges of city courts; prescribing the jurisdiction of city courts; fixing the fees of clerks of city courts; and providing that this Act shall take effect upon approval.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—addition. That Sections 1706, 1710 and 1722, of the Compiled Laws of Utah, 1917, as amended by Chapter 34, of the Session Laws of Utah, 1919, are hereby amended, and a new section to be known as Section 1700x is hereby added after Section 1700, to read as follows:

1700x. City court and judge. In all cities of more than 5000 inhabitants and less than 7500, which are also county seats, there is hereby created a court to be known as the city court of..... (naming the city), and there is also created the office of city judge, which said court and judge shall exercise the jurisdiction and be controlled by all the provisions of law applicable to city courts. Where such court is hereby created the governing body of said city shall have the power to appoint the city judge to serve until the next general election and until his successor is elected and qualified.

1706. Salaries—payment. The annual salary of judges of the city courts shall be as follows: In cities having a population of more than 50,000, \$3600.00 each; in cities having a population of more than 7500, but less than 50,000, \$3000.00 each; in cities having a population of more than 5000, but less than 7500, \$2400.00 each; payable out of the city treasury of the city in which they are elected.

1710. Jurisdiction. The city court shall have civil jurisdiction:

1. In actions arising on contract, for the recovery of money only, if the sum claimed is less than \$1000.00, exclusive of costs of court;

2. In actions to recover damages for injury to the person, or to the personal property, or for taking or detaining personal property,

or for injury to real property, if the damages claimed be less than \$1000.00, exclusive of costs;

3. In actions to recover a fine, penalty, or forfeiture, less than \$1000.00, given by statute, or by the ordinance of an incorporated city or town;

4. In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed is less than \$1000.00, though the penalty may exceed that sum. When the payments are to be made by installments, an action may be brought for each installment as it becomes due;

5. In actions to recover the possession of personal property, or its value, when the value of such property is less than \$1000.00;

6. In actions to enforce or foreclose liens and mortgages on real and personal property situated within the county, if the amount claimed is less than \$1000.00;

7. In actions for forcible entry, forcible detainer, or unlawful detainer of real property situated within the county, if the whole amount of the rent and damages claimed is less than \$1000.00;

8. In actions for an accounting, provided that if the ultimate amount found due to the plaintiff is in excess of \$1000.00, the plaintiff shall remit the excess within such time as the court may fix or the action shall be dismissed and costs taxed against the plaintiff;

9. Of defenses in equity to reform or rescind written instruments for the payment of money;

10. To take and enter judgment by the confession of the defendant, if the amount confessed is less than \$1000.00;

But no defendant in any action brought in said court shall be summoned to appear and defend said action, unless, at the time of the service of the summons upon him he is a resident of the county in which the action is brought, except in the following cases:

(a) In the actions of which the court has jurisdiction as provided by sub-divisions 6 and 7 of this section;

(b) In actions upon a joint or joint and several obligation or contract of two or more persons, one of whom, being a party defendant, resides in the county in which the action is brought;

(c) In actions for injury to persons or property committed in such county;



(d) In actions against non-residents of the state, or a person who is about to depart from the state if he be found and served in this state;

(e) In actions to recover the possession of personal property situated in such county;

(f) In actions for a cause or causes, in one of which the defendant promised to perform the obligation in such county;

(g) In actions against a corporation which maintains a business office in such county.

1722. Fees of clerk. For services rendered by the ex-officio clerk of the city court he shall collect in advance the fees hereinafter enumerated, and pay the same into the city treasury. In a civil action or proceeding upon the filing of a complaint when the amount involved is \$500.00 or less, \$3.00, where the amount involved is in excess of \$500.00 and less than \$1,000.00, \$5.00, for all services up to and including the entry of final judgment; which said sum shall be payment in full of all costs in the said action, exclusive of officers' fees relating to service of process and other papers, fees of witnesses, and fees relating to jury trials; for issuing execution 50 cents; for abstract of a judgment 50 cents; for services in proceeding supplementary to execution \$1.00; for transcript on appeal and certificate thereto \$1.00; for trial by jury \$10.00; which shall cover all fees to be collected for services of jury; order to show cause \$1.00; order of sale 50 cents; certificate certifying copies 25 cents; traverse of garnishee's answer after judgment \$1.00; for copies of records, files, etc., 10 cents per folio; confession of judgment without action \$3.00; for all other services not herein enumerated, a reasonable compensation to be fixed by the judges of the city court.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 4, 1921.

## CHAPTER 44.

House Bill No. 78.

Compiled Laws, 1917, p. 449.

(Passed February 18, 1921. Approved March 1, 1921. In effect May 10, 1921.)

## ADULT DELINQUENCY.

An Act to amend Section 1849, Compiled Laws of Utah, 1917, relating to the suspension of sentence and the prescribing of bond in cases of adult delinquency.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1849, Compiled Laws of Utah, 1917, be and hereby is amended to read as follows:

1849. Suspending sentence—bond—payment. The court may suspend any sentence hereunder, or release any person sentenced under this chapter from custody upon condition that such person shall furnish a good and sufficient undertaking to the state of Utah, to be approved by the judge of the juvenile court, or, where there is no such court, by the district judge, in such penal sum not exceeding \$250.00 as the court shall fix, conditioned for the payment of such sum as the court may order, not exceeding \$20.00 per month for each child for whose delinquency, neglect or dependency said person is adjudged responsible as aforesaid, for the support, care and maintenance of such child while under the guardianship or in custody of any individual or any public or private home, building, or institution, to which the child may have been committed under the provisions of the laws of the state concerning dependent, neglected or delinquent children.

Approved March 1, 1921.

## CHAPTER 45.

House Bill No. 190.

Compiled Laws, 1917, p. 462.

(Passed March 10, 1921. Approved March 22, 1921. In effect June 20, 1921.)

## REGULATING IMITATION MILK.

An Act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy and food commissioner and prescribing penalties for a violation of the provisions hereof, and repealing all Acts or parts of Acts in conflict herewith.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Imitation milk defined. For the purposes of this Act certain manufactured substances, certain mixtures and compounds shall be known and designated as "imitation milk," namely: (a) any mixture or compound composed of skim milk or condensed, evaporated or powdered skim milk and any edible oil or fat other than natural milk fat, whether with or without any other ingredient or ingredients; (b) any mixture or compound made in imitation or semblance, or having the appearance or semblance, of milk or condensed or evaporated milk, or when so made or having such appearance or semblance calculated or intended, whether by intent of the compounder or other person, or by reason of the appearance or other characteristic of the mixture or compound; for use or disposition as or for milk, or as or for condensed or evaporated milk or to induce its purchase, or use as or for milk or condensed or evaporated milk.

Sec. 2. Labeling. Each person, who by himself, or another, lawfully manufactures any imitation milk, or any substitute that may be used as and substituted for milk or condensed or evaporated milk, shall mark the same by printing, stamping or stenciling upon the sides or ends of each case, box, carton, or other package, in which that article or substance shall be packed and handled, in a clear manner, in the English language, the words, "imitation milk," in printed letters in plain Roman type, each of which shall not be less than one inch in height and one-half inch in width; and in addition to the above shall prepare a statement, printed in plain Roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer or distributor and also the name and the actual percentages of the various ingredients used in the manufacture of such imitation milk; and shall place a copy of said statement within and upon the contents of each case, box, carton, or other package, and next to



that portion of each case, box, carton, or other package as is commonly and most conveniently opened; and in addition thereto shall label each bottle, can, container, or other package containing imitation milk with the words, "imitation milk" printed in letters of plain Roman type, each of which shall be not less than one-fourth inch in height and one-eighth inch in width, and said words shall appear upon the main or principal label of said bottles, cans, containers, or other packages containing any imitation milk, and no wording thereon shall be more prominent, and in addition thereto said main or principal label shall contain or bear the words: "do not use in place of milk for infants" in plain legible type.

Sec. 3. **Adulterated.** Imitation milk, not condensed or evaporated, shall be deemed adulterated within the meaning of this Act if it contains less than three and two-tenths per cent of edible fats, or oils, 12 per cent solids, and imitation milk, if evaporated or condensed, shall be deemed adulterated within the meaning of this Act if it contains less than seven and eight-tenths per cent of edible fats or oils, and 25 per cent solids.

Sec. 4. **Licenses—fees.** No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing or in furnishing imitation milk, without first having applied for and obtained a license so to do as hereinafter provided. Any person, firm or corporation dealing in or engaged in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, imitation milk, as in this Act defined shall first make application each year to the state dairy and food commissioner for a license, and upon payment of license fee of the amount mentioned herein to the state dairy and food commissioner, said commissioner shall issue to the applicant a license. All such licenses shall expire on December 31st, of each year, and may be issued in periods of one year or six months on payments of a proportionate part of the license fee; provided that no license shall be issued for a period of less than six months. The fee for issuing an annual license to manufactures of any of the said substances within this state shall be one hundred dollars; for issuing to wholesale dealers in any of said substances the fee shall be ten dollars; for issuing to retail dealers in any of said substances the fee shall be one dollar. The term "wholesale dealer," as used in this section, includes all persons, firms, or corporations who sell any of said substances in quantities of one full case or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than three cases. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued. It shall be unlawful for any person, firm or corporation to manufacture, buy, sell,

deal in or furnish to his, its or their patrons, or to have in their possession, for any purpose whatsoever other than for the consumption in his own family, or for transportation in case of a common carrier, or for the purpose of storage in case of a warehouse or cold storage company, any imitation milk or similar substances designed to be used as a substitute for milk or for condensed or evaporated milk without having first applied for and obtained the license required by this Act.

**Sec. 5. Penalty.** Any person, firm or corporation found guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor, and any article found in his or its possession in violation of this Act shall be subject to confiscation and may be destroyed by the state food and dairy commissioner or his deputies.

**Sec. 6. False advertisement.** Every person, firm, or corporation, that shall make or use any false or fraudulent statements or representations in advertising imitation milk as defined in Section 1, of this Act; in any pamphlets, newspapers, periodical, or advertisement shall be guilty of a misdemeanor.

**Sec. 7. Enforcement.** It shall be the duty of the state dairy and food commissioner to enforce the provisions of this Act; provided, that nothing in this Act shall be construed to relieve any city or county or state board of health or other city or county official from enforcing the provisions of this Act.

**Sec. 8. Acts repealed.** All Acts or parts thereof in conflict with the provisions of this Act are hereby repealed.

**Sec. 9.** This Act shall take effect ninety days after approval.

Approved March 22, 1921.

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## CHAPTER 46.

Senate Bill No. 39.

Compiled Laws, 1917, p. 478.

(Passed March 2, 1921. Approved March 9, 1921. In effect May 10, 1921.)

### REGULATING PRACTICE OF DENTISTRY.

An Act amending Sections 2022, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2034, 2036 and 2037, and repealing Sections 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2031, 2033 and 2035, Compiled Laws of Utah, 1917, relating to dentistry.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Sections amended.** Sections 2022, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2034, 2036 and 2037, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

2022. **Unlawful to practice dentistry—when.** It shall be unlawful for any person to practice dentistry without having been licensed so to do by the department of registration, and without having complied with the provisions of this title; provided, however, that this section shall not annul any license heretofore granted by the board of dental examiners hitherto existing, if, at the time this title takes effect, or within sixty days thereafter, such license, or certified copy thereof, shall have been filed with the department of registration as hereinafter provided.

2024. **Application for license—conditions—examination.** Any person who desires to practice dentistry in this state shall file with the department of registration a written application for license, and furnish satisfactory evidence that he or she is at least twenty-one years of age, of good moral character and that he or she is a graduate of a reputable dental college, recognized by the national association of dental examiners, and by the department of registration, and that he or she, before entering such dental college, was a graduate from a high school or similar institution of learning accredited by the university of Utah or any other university of equal standing, and which high school or similar institution of learning requires a four-year course of instruction for such graduation, or an academic education the equivalent thereof; or, in lieu of such graduation from high school and from such dental college, has been a duly licensed practitioner of dentistry for at least five years next preceding such application in a state having requirements as to qualifications and examinations not less than those of this state. At the time designated by the department of registration he or she shall appear before the department and pass a satisfactory examination in the English language in the following subjects: Anatomy, physiology, hygiene, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bacteriology, operative, surgical and mechanical dentistry, and shall also demonstrate in operative and mechanical dentistry, if required by the department.

2025. **License to issue.** If the examination proves satisfactory to the department of registration, it shall issue a license to the person examined, which shall be signed by the director and have the official seal of the department affixed thereto.

2026. **Temporary license.** The department of registration shall, under such rules as the director may prescribe, grant to any applicant for a license a temporary license to practice dentistry until the next time, at which the applicant is required to present himself for examination, at which time such license shall expire. Such temporary license shall not be granted to any person who has been rejected by the department.

2027. **License now in force—subject to fee.** The license of any dentist now in force, shall continue in force until revoked in the manner



provided by law and the annual renewal fee paid by such dentist under the terms of the laws of this state now existing shall keep such license in force until the expiration of the time for which the same was paid, and thereafter the holder of such license shall be subject to the annual renewal fee provided by law.

**2028. License without examination.** The department of registration may issue a license without examination, to any applicant who furnishes satisfactory proof that he is a graduate from a reputable dental college and holds a license from a dental board of any other state, territory, or district of the United States, under requirements equal to those of this state, or who for five consecutive years next prior to filing his application has been in the legal and reputable practice of dentistry in any other state, territory, or district of the United States and holds a license from a dental board thereof if in either case the laws of such state, territory or district accord equal rights to a licensed dentist of this state who removes to, or resides in, and desires to practice his profession in such state, territory or district.

**2029. Change of residence.** Any reputable dentist of good moral character who, having been in the legal practice of dentistry in this state for five years or more, who desires to change his residence into another state, territory or district of the United States, may apply to the department of registration for, and said department may grant to him, a certificate attesting his moral character and professional attainments.

**2030. License to be displayed.** Every person who receives a license from the department of registration shall cause the original license, or a certified copy thereof, to be conspicuously displayed in his office. A violation of the provisions of this section shall work a forfeiture of such license, which shall not be reinstated except upon payment to the department of the sum of \$25.00 as a penalty for such violation.

**2032. Revocations—grounds.** The department of registration may revoke the license of any dentist for any of the following causes:

1. If he be convicted of a felony or of a misdemeanor involving moral turpitude; in which case the record of conviction or a certified copy thereof, certified by the judge or clerk of the court in which the conviction is had, shall be conclusive evidence;

2. If he be guilty of unprofessional conduct, such as obtaining any fee by fraud or misrepresentation, or by employing, directly or indirectly, any student or unlicensed dentist, or one whose license has been revoked, to perform operations of any kind, or to treat lesions of human teeth, gums, or jaws, or correct or attempt to correct malimposed positions thereof, except as hereinbefore provided, or employs what are known as cappers or steerers to obtain business; or wilfully betrays professional

secrets; or advertises his dental business or treatment or devices by untruthful, improbable or impossible statements;

3. If he uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry;

4. If he maltreats his patients by reason of gross ignorance, wilfulness or neglect;

5. If he be guilty of gross immorality;

6. If he wilfully violates any of the provisions of this title;

7. If he shall refuse to the department of registration or its officers or employees access to his office, instruments, laboratory, equipment, appliances or supplies for the purpose of inspecting the same, or if, upon such inspection, the same shall be found to be in an insanitary condition.

2034. Penalty—items. Every person is guilty of a misdemeanor, who:

1. Practices dentistry within this state without a license, and the required renewal thereof;

2. Continues to practice dentistry after his license has been revoked by the department of registration;

3. Practices dentistry under a false or assumed name, with the intent to deceive;

4. Falsely pretends to be a graduate of any dental college;

5. With others, practices dentistry under any title or name, corporate or otherwise without causing to be displayed and kept in a conspicuous manner and place at the entrance of his place of business, his own and the name of every person employed therein in the practice of dentistry; together with the word mechanic or apprentice after the name of each unlicensed person employed;

6. Fails to furnish to the department of registration, within ten days after demand made by the department, the name and address of every person practicing or assisting in the practice of dentistry in his office at any time within sixty days prior to said demand, together with a sworn statement showing under and by what license or authority said person or employee has been practicing dentistry; provided, said statement shall not be used as evidence against the person who has made the same in any prosecution for the violation of any of the provisions of this section;

7. Impersonates another at any examination held by, or under, the department of registration;

8. Procures a license with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one to whom such license is issued;

9. Permits a license issued to another as authority of the user to practice dentistry;

10. Uses a license issued to another as authority of the user to practice dentistry;

11. Violates any of the provision of this title.

2036. **Anesthetics.** A licensed dentist shall have the right to administer general and local anesthetics and to prescribe drugs or medicines necessary or proper in the practice of his profession.

2037. **Registrar may make complaint.** The department of registration may make a complaint for the violation of any of the provisions of this title; and the department, by its officers, counsel and agents, may aid in presenting the law or facts in any proceeding taken thereon; an injunction shall lie at the suit of the director of the department to restrain any unlicensed person, or one whose license has been revoked, from practicing dentistry in this state.

**Sec. 2. Sections repealed.** Sections 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2031, 2033 and 2035, Compiled Laws of Utah, 1917, are hereby repealed.

**Sec. 3.** This Act shall take effect upon approval.

Approved March 9, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 47.

House Bill No. 133.

Compiled Laws, 1917, p. 484; Laws, 1919, p. 84.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

## DRAINAGE DISTRICTS.

An Act to amend Sections 2040, 2045, 2057, 2058, 2063 and 2065, Compiled Laws of Utah, 1917, and amending Sections 2044, 2046, 2047, 2053, 2054, 2060, 2072 and 2073x1, Chapter 41, Laws of Utah, 1919, relating to the organization and government of drainage districts; to the distribution and control of water for drainage purposes; to provide for the levying and collecting of taxes therefor; also authorizing any drainage district to appropriate, use, purchase, sell and convey water and water rights; and repealing all laws and parts of laws in conflict with this Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 2040, 2045, 2057, 2058, 2063 and 2065, Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows: And that Sections 2044, 2046, 2047, 2053, 2054, 2060, 2072 and 2073x1, Chapter 41, Laws of Utah, 1919, be and the same are hereby amended to read as follows:

2040. Who may propose organization. Whenever a majority of the owners of title or evidence of title of lands within a district proposed to be organized as a drainage district, who own or control not less than one-third in area of the lands to be reclaimed or benefited or which are susceptible of drainage, or whenever the owners of title of a major portion in area of the lands to be reclaimed or benefited or which are susceptible of drainage, desire to provide for the drainage of the same, they may propose the organization of a drainage district under the provisions of this title, and when so organized, such district shall have the powers conferred, or that may hereafter be conferred, by law upon such drainage districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a drainage district, under the provisions of this title, shall be sufficient evidence of title for the purposes herein.

2044. Petition—hearing—change of boundaries—different counties—proclamation. When such petition is presented, said board of county commissioners shall hear the petition, and may adjourn such hearing from time to time, not exceeding four weeks in all. On the hearing of any petition filed under the provisions of this Act all parties through or upon whose land any of the proposed work may be constructed, or whose

land may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. It shall be the duty of the commissioners to hear and determine whether or not said petition contains the signatures of a majority of the owners of title or evidence of title to the lands within said proposed district who own or control not less than one-third in area of the lands to be reclaimed or benefited, or which are susceptible of drainage; or, in the alternative, that said petition contains the signatures of the owners of title or evidence of title of a major portion in area of the lands proposed to be reclaimed or benefited, or which are susceptible of drainage, and the affidavit of any three or more of the signers of said petition that they have examined said petition and are acquainted with the locality of said district, and that said petition is signed by a majority of such owners who represent at least one-third in area of the lands proposed to be reclaimed or benefited, or that said petition is signed by the owners of title or evidence of title of a major portion in area of the lands proposed to be reclaimed or benefited, may be taken by the county commissioners as prima facie evidence of the facts stated therein; or the oath or affirmation before said county commissioners, or the affidavit of any person, properly taken and certified by any person or court authorized to take acknowledgments of deeds to real estate in this state, giving the age of such party, and his or her ownership of lands to be named in such oath, affirmation, or affidavit, by proper description, shall be sufficient evidence to the county commissioners of such facts; provided, that all deeds made for the purpose of establishing or defeating the prayers of said petition, not made in good faith and for a valuable consideration, shall be taken and held to be in fraud of the provisions of this Act, and the holders thereof shall not be considered as owners thereof. If the commissioners, after hearing any and all competent evidence that may be offered before it for and against the said petition, shall find the same has not been signed as hereinbefore required, said petition shall be dismissed at the cost of the petitioners; but, if the commissioners shall find that the petition has been signed as hereinbefore provided, the commissioners shall so find, and such finding shall be conclusive upon the land owners of such district that they have assented to and accepted the provisions of this Act; and the board of county commissioners may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries; provided, that said board shall not modify said boundaries so as to except from the operation of this Act any territory within the boundaries of the district proposed by said petitioners which is susceptible of drainage by the system of works applicable to the other lands in such proposed district; provided, that any person whose lands will not, in the opinion of said board, be benefited by drainage by said system, may have such lands

excluded from such district upon application to said board, except as provided in Section 2054 of this Act; and provided, further, that any person whose lands are susceptible of drainage by the same system may, in the discretion of the board of county commissioners, upon application of the owner to said board have such lands included in said district. If it shall further appear to the commissioners that the proposed drain or drains, ditch or ditches, or other works, is or are necessary or will be useful for the drainage of the lands proposed to be drained thereby for agricultural or sanitary purposes, or conducive to the public health or welfare, the commissioners shall so find, and appoint, three competent persons, who shall be known as a board of supervisors. The term of office of such supervisors shall be for three years, except, however, that the term of office of the first appointees shall be as follows: The term of office of one shall be for three years, and the term of office of one shall be for two years, and the term of office of one shall be for one year; each of whom shall hold his office until his successor is appointed, as hereinafter provided. In case the lands to be drained shall be situated in different counties, not more than two of the members of the board of supervisors shall be chosen from any one of such counties. It shall be the duty of the board of supervisors to lay out and construct such proposed work, and to levy a tax upon the lands in said drainage district, subject to the approval of the board of county commissioners, as hereinafter provided. If said board of county commissioners shall find that the establishment and creation of such drainage district will be a benefit as hereinbefore set forth, said board shall, within ten days, proclaim such district created, and such proclamation shall be published for at least ten days thereafter by posting in three public places within said county or counties, at least one of which places shall be within said drainage district, or by publishing the said proclamation in some newspaper of general circulation published in the county and if the district embraces lands in more than one county, then in a newspaper of general circulation published in each such county, or if there be no such paper published in any such county or counties, then in some newspaper having general circulation in such county or counties, and the said proclamation shall be substantially in the following form:

Office of the Board of County Commissioners, County of.....,  
State of Utah, A. D. 19.....

In the matter of the petition for the organization of.....

Drainage District, of.....County, State of Utah:  
The petition having been heard in the manner required by law and the commissioners having duly examined said petition, and having heard evidence concerning the same, and considered all objections to the same, it is ordered by the county commissioners that the petition be, and the



same is hereby granted; and the county commissioners further find that the work proposed in said petition to be done will be useful for agricultural or sanitary purposes to the owners of land within said proposed district; and the county commissioners also find that the persons who have signed said petition are of lawful age and are a majority of the adult land owners, representing one-third in area (or are land owners who own a major portion, as the case may be) of the lands to be affected by such proposed work. The county commissioners further find that the said drainage district is duly established as provided by law. The following named are to be known as the board of supervisors for the terms set opposite their names:

..... of ..... for the term of three years,  
 ..... of ..... for the term of two years,  
 ..... of ..... for the term of one year.

Attest:

..... Clerk.

.....  
 County Commissioners.

And upon entering the order of proclamation of record said district is hereby declared by law to be organized as a drainage district by the name mentioned in the petition, and with the boundaries fixed by the order of said board of commissioners, and said district is hereby declared to be a body corporate and politic by the name mentioned in said order of county commissioners, with the right to sue and be sued, and to have perpetual succession, and may adopt and use a corporate seal; and the board of supervisors appointed as aforesaid and their successors in office shall, from the entry of such order of proclamation, constitute the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law and shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are appointed and have qualified.

2045. Appeal—duty of county commissioners. An appeal from such order may be made to the district court in the county in which such district is situated. If any such appeal be made, the district court shall advance the cause to be heard, and the same shall be heard and disposed of at the earliest date. Where there are two or more appeals involving the same matters, the court may, in its discretion, order the said cases consolidated for the purposes of said appeal, when it shall appear that justice will be advanced thereby. The procedure in said appeals shall conform to the civil code as nearly as may be, provided, however, no

action shall be commenced or maintained, or defence made, affecting the validity of the organization unless the same shall have been commenced or made within six months after the making and entering of said order; and provided further, that no such action shall be commenced or maintained, or defence made, after proceedings for confirmation as provided in Sections 2054x to 2053x4,\* Compiled Laws of Utah, 1917, shall have been commenced. Said board of county commissioners shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated, and must also immediately forward a copy thereof to the county clerk of each county in which any portion of such district may lie, and the board of county commissioners of any county included in any portion of such district shall not allow another district to be formed including any of the lands of such district, without the consent of the board of supervisors thereof; and from and after the date of such filing the organization of the district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are appointed and have qualified.

2046. Bonds of supervisors. After said district has been established by proclamation, and after the members of said board of supervisors have been duly appointed, and before entering upon the duties of their office, each of the members of such board of supervisors shall take and subscribe to the constitutional oath of office, which oath shall be filed with the county clerk. Each supervisor shall execute an official bond to the district in such sum as may be fixed and with sureties approved by the board of county commissioners. Bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

2047. Organization—powers—investing funds—eminent domain. Within thirty days after their appointment and qualification, the supervisors shall meet and organize as a board, and elect a president, a secretary and a treasurer from among their own number. Each of such officers shall hold office during the pleasure of the board. The board of supervisors shall appoint a competent engineer and fix his compensation and shall have power to adopt a code of by-laws governing the conduct of the business and affairs of the district as a corporation in connection with its association with individuals and corporations in and outside of the district, and regulating the use by outsiders of its drainage system. It shall also have the power to make and execute all necessary contracts, to employ and appoint such agents, officers, and employees as may be required, prescribe their duties, and generally to perform such acts as shall be necessary fully to carry out the purposes of this Act. The board shall also have power to invest the funds accumulated for the purpose of retiring bonds, in government bonds, bonds of the state of Utah, or or

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\*Error in engrossed bill; should be 2054x4.

the public schools in Utah. The board shall also have power to enter into any obligation or contract with the United States under any Act of congress now enacted, or which may hereafter be enacted, and the rules and regulations established thereunder, for the construction or operation and maintenance of the drainage system, or any drainage works, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands. The board and its agents and employees shall likewise have the right to enter upon any lands to make surveys, and may locate the necessary drainage canal or canals, and the necessary branches of the same, on any lands which may be deemed best for such location. It shall have the right also to acquire, on behalf of said district, by purchase or condemnation or other legal means, all lands and other property necessary for the construction, use, maintenance, repair, and improvement of said canal or canals, drains and works constructed (including canals, drains, or drain ditches being constructed) by private owners, and all necessary appurtenances. In case of necessity for condemnation proceedings the board shall proceed in the corporate name of the district under the provisions of the law relating to eminent domain. Drainage districts organized under the provisions of this Act may appropriate water for any useful or beneficial purpose, and may appropriate, use, purchase, sell and convey water and water rights in the same manner and for the same uses and purposes as any corporation, association, or person.

2053. **Making investigation.** Immediately after their appointment, the board of supervisors shall examine all the land proposed to be drained or protected and the lands over or upon which the work is proposed to be constructed, and determine:

(a) Whether the proposed work and the proposed location thereof are in all respects proper and feasible; and if not, what is or are so;

(b) The probable cost of the work mentioned in the petition, including all incidental expenses, and the cost of the proceedings therefor;

(c) The probable annual cost of keeping the same in repair after the work is completed;

(d) What lands will be injured by the proposed work, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of such work; and what lands, if any, should be excluded from the district;

(e) What lands will be benefited by the construction of the proposed work, and whether the aggregate amount of benefits will equal or exceed the cost of constructing such work, including all incidental expenses, cost of proceedings, and damages;



(f) Whether the proposed district as set out in the petition filed will embrace all the lands that may be damaged or benefited by the proposed work; and if not, to report what additional lands will be so affected.

2054. **Report findings—changes to be made.** The board of supervisors of said drainage district, upon and after their examination of said district, as hereinbefore provided, shall make a report of its findings to the board of county commissioners. If the board of supervisors shall find and report that, although said district has been formally proclaimed, the cost and expenses of construction and maintenance and damages accruing are more than equal to the benefits which may inure to the lands in general of said district by reason of the proposed work, it shall so report, and the proceedings shall be dismissed at the cost of the petitioners. If the board of supervisors shall find that the benefits will exceed the cost and expense of construction and maintenance and damages it shall so report. If certain lands in the opinion of the board of supervisors will not be benefited and should be excluded, the board of supervisors may recommend to the board of county commissioners in such report such exclusion, and said board of county commissioners shall exclude such lands if feasible; or if additional lands will be benefited, the board of supervisors may recommend to the board of county commissioners in such report the inclusion of such additional lands, and such additional lands shall be included by the board of county commissioners; and the boundaries of said district shall be so fixed; provided, however, that such lands may be included at any time upon report of the board of supervisors or when the owners thereof petition for inclusion, or signify in writing their consent thereto; and provided, further, that where no such petition for inclusion or such consent in writing shall have been filed as to any such lands, the board of county commissioners shall serve notice upon the owners thereof in the manner provided for notice of hearing upon the original petition and shall fix a time and place of hearing thereon, and at such hearing said board shall hear the objections thereto, and if said board shall then find such lands will be benefited, notwithstanding any such objections, such lands shall be included and the boundaries of the district so extended, if by such inclusion there would be, as shown by the records and files of said district, either the necessary majority of the owners of title or evidence of title of lands within said district who own not less than one-third in area of the land to be reclaimed in favor of the organization of said district with such boundaries, or by the owners of title or evidence of title of lands within said district who own a major portion in area of the lands to be reclaimed in favor of the organization of such district the board of county commissioners shall, by order, confirm such report, and shall thereupon publish a notice setting forth the boundaries of said district as

finally fixed, said notice to be published in the same manner as the proclamation required by this Act, and shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated and must also immediately forward a copy thereof to the county clerk of each county in which a portion of such district may lie. The board of supervisors shall thereupon proceed with the construction of the proposed drainage system.

2057. **Drainage district taxes.** It shall be the duty of the county assessor to place upon the assessment roll drainage district taxes as certified by the board of supervisors. It shall be the duty of the county treasurer to collect such taxes at the same time and in the same manner that the county taxes are collected, and pay the same to the treasurer of the board of supervisors as soon as moneys are received by him. It shall be the further duty of the county treasurer after the first day of December and prior to the last day of December of each year, to make a written report to the treasurer of each drainage district located within the county, setting forth the amount of taxes paid and the amount of delinquent taxes levied by the district for the current year, and giving in detail the names of delinquent landowners and the descriptions of the lands upon which such taxes are delinquent.

2058. **Taxes a lien—sale of property.** All drainage taxes levied and assessed under the provisions of this title shall attach to and become a lien on the real property assessed from and after the second Monday in March. Drainage taxes shall become due and delinquent at the same time, and shall be collected by the same officers and in the same manner and at the same time as state and county taxes, and when collected shall be paid to the treasurer of the board of supervisors. The revenue laws of this state for the assessment, levying and collecting of taxes on real estate for county purposes, except as herein modified, shall be applicable for the purposes of this Act, including the enforcement of penalties and forfeiture for delinquent taxes; provided, that lands sold for delinquent district taxes shall be sold separately for such tax and a separate certificate of sale shall issue therefor. On or before the second Monday in December of each year, the county treasurer must publish a delinquent list, which must contain the names of the owners, when known, and a description of the property delinquent or subject to lien of drainage district taxes with the amount of taxes due exclusive of penalty. The county treasurer must publish with such a list a notice that unless the delinquent drainage taxes, together with the penalty, are paid before third Monday of December next thereafter, the real property upon which such taxes are a lien will be sold for taxes, penalty and costs, beginning on said date, at the front door of the county courthouse. The delinquent list shall be published three times if in a daily newspaper, twice if in a

semi-weekly and once if in a weekly newspaper, commencing on or before the second Monday in December. On the third Monday of December of each year, the county treasurer shall expose for sale, between the hours of ten A. M. and three P. M., sufficient of all delinquent real estate to pay the drainage district taxes, penalty and costs for which such real estate is liable, at public auction, at the front door of the county courthouse, and sell the same to the highest responsible bidder for cash, and the treasurer shall continue to sell from day to day between such hours until the property of all delinquents is exhausted or the taxes, penalty and costs are paid. In offering such real estate for sale, the treasurer shall offer the entire tract assessed, and the first bid received in an amount sufficient to pay the taxes and costs shall be accepted unless a further bid in the same amount for less than the entire tract shall be received; and the highest and best bid shall be construed to mean the bid of that bidder who will pay the full amount of the taxes and costs for the smallest undivided portion of said real estate. After receiving a bid for the full amount of the taxes and costs it shall not be the duty of the treasurer to attempt to secure a higher bid, but he shall accept it if made. The treasurer shall make a record of all sales of real property in a book to be kept by him for that purpose therein describing the several parcels of real property on which the taxes and costs were paid by the purchasers, in the same order as the published list of delinquent sales contained in the list of advertisements on file in his office. Separate columns shall also be provided in said record in which the treasurer shall enter the description of any tract sold that is less than the entire tract on which the taxes are due, the date of sale, to whom sold, the penalty, and costs, and the date of redemption. The purchaser shall be required to pay the penalty to the treasurer, which penalty shall in all cases accrue to the benefit of the drainage district. When all sales have been made the treasurer shall file the record in his office, in loose-leaf bound form. It shall be the duty of the county treasurer to issue a receipt to any person paying drainage district taxes on an undivided interest in real estate, showing the interest on which taxes are paid, and in case any portion of the drainage district taxes on such real estate remains unpaid, it shall be the duty of the treasurer to sell only such undivided interest in said real estate as belongs to the co-owners who have not paid their portion of the taxes. In absence or default of purchaser at any such public sale of drainage district taxes, the drainage district in which taxes are delinquent may purchase upon the same terms as any individual purchaser the real estate upon which drainage district taxes are delinquent and shall hold the same in the same manner as a county or an individual may hold lands upon which state or county taxes are delinquent, subject to the same rights of redemption. In all respects, a drainage district shall be the beneficiary of taxes assessed and levied by it, provided, however, that the



county treasurer shall retain the costs and expense provided by law for the advertisement, sale and redemption of drainage district taxes. All lands upon which drainage district taxes have become delinquent, before the passage of this Act whether such lands have been purchased by the county or not shall be sold as provided herein by the county treasurer on the third Monday in June, 1921, after like advertisement and notice as provided herein has been given to the owners thereof, and upon the same terms and conditions as herein provided.

**2060. Debt limitation.** The board of supervisors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act. A debt or liability incurred in excess [of] provisions of this Act shall be and remain absolutely void, except that for the purposes of organization or for the purposes of this Act the board of supervisors may, before the collection of the first annual taxes, cause warrants of the district to issue, bearing interest not exceeding 8 per cent per annum. The limit of the fund for such purposes shall be an amount the equivalent of an average of \$1.50 per acre throughout the district, and it shall be the duty of the board of supervisors, in the preparation of the first annual budget, to make provision for the payment of all such warrants and the interest thereon. To meet such expenses, or to cover delinquencies in any annual tax, or in anticipation of the collection of taxes, the board of supervisors may incur indebtedness by borrowing money or otherwise, not exceeding the taxes for the current year, and as evidence of such indebtedness may issue warrants or negotiable notes of the district payable in not more than one year from date thereof, and bearing interest not exceeding 8 per cent per annum. Any such indebtedness permitted by this section shall in no sense be the personal obligation of the board of supervisors, but shall constitute a lien upon the lands embraced within said drainage district until paid.

**2063. Errors not to invalidate proceedings.** Whenever it shall appear to the board of supervisors that any proceedings for the organization of a drainage district have not been strictly in compliance with law, or that any assessment of damages or benefits under this title has been made in error as to ownership, or acreage intended to be assessed, or that any tract of land has been omitted from any assessment roll by reason of clerical error or other mistake, or that the proper notice or notices as required by law has or have not been given, such non-compliance, error, omission or want of notice shall not invalidate such organization, neither shall such assessments of benefits or taxes be lost to the district in the case of omission but the board of supervisors of such district may report such conditions to the board of county commissioners, and the said board of county commissioners may make such corrections, amendments, or changes in the assessment rolls, or correct any error,

omission, mistake or want of sufficient notice as may be just; provided, that where any such correction, amendment or change be made, notice thereof be given to the persons affected thereby.

**2065. Removal of supervisor.** The county commissioners may at any time, upon petition of the majority of the owners of title of lands in any district and for any good cause, remove any supervisor appointed by them and appoint another in his place; and shall immediately fill all vacancies caused by death, resignation, removal or otherwise; provided, however, that whenever the majority of owners of title of lands within a district shall sign and file prior to such appointment a written petition addressed to said county commissioners and requesting the appointment of a certain person for any such vacancy, said county commissioners shall appoint said person to fill such vacancy.

**2072. Bonds.** Whenever any such drainage district bonds shall be issued, or contract with the United States made, in accordance with the provisions of this Act, such bonds, or contract, shall constitute a lien upon all of the lands and improvements thereon within the boundaries of the district, to the extent of the total benefits, assessed and equalized, and pledged for such purpose, and not in excess thereof, and the board of supervisors of said district shall from time to time, as by this Act provided, levy a sufficient tax to pay the annual interest charge on such bonds, and in addition thereto, such an amount as a sinking fund which shall, in the course of events and ultimately, amount to a sufficient sum to redeem said bonds, or in case of contract with the United States, shall levy a sufficient tax to meet all payments due, or to become due thereunder, and in addition thereto, a sufficient tax to pay the interest or penalties on any delinquent payment or payments, as provided in said contract or as required by the statutes of the United States.

**2073x1. Laws repealed.** All laws and parts of laws in conflict with the provisions of this Act are hereby repealed; provided, nothing herein contained shall invalidate any district organization or rights existing under any Act or provisions so repealed, but all such districts shall hereafter be governed by and shall receive the benefits of the provisions of this Act.

Approved March 17, 1921.

## CHAPTER 48.

House Bill No. 40.

Compiled Laws, 1917, p. 559.

(Passed March 1, 1921. Approved March 8, 1921. In effect May 10, 1921.)

## EMPLOYMENT OFFICES.

An Act amending Section 2440, of Title 28, Compiled Laws of Utah, 1917; relating to employment offices.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 2440, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

2440. Licenses—school employment agency excepted. It shall be unlawful for any person, persons, firm, corporation, or association to open and establish in any city, town, or elsewhere within the limits of the state of Utah, any intelligence or employment office, for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work, employment, or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person, persons, firm, corporation, or association performing any of the foregoing enumerated services as aforesaid, shall be deemed to be an employment agent within the meaning of this chapter; provided, however, that the provisions of Section 2449 shall not apply to any person, persons, firm, corporation, or association operating agencies for school teachers, but it shall be a misdemeanor for any school teacher's employment agency to receive as commission for information or assistance such as is described herein, any consideration which is in value in excess of 5 per cent of the amount of the first year's salary of the person to whom such information is furnished.

Sec. 2. This Act shall take effect upon approval.

Approved March 8, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 49.

Senate Bill No. 51.

Compiled Laws, 1917, p. 559.

(Passed March 8, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## FALSE EMPLOYMENT-ADVERTISING.

An Act defining the liability of persons who give to employment agents excess, duplicate or standing orders for employees and punishing persons who, with intent to defraud or injure another, give to an employment agent a false or unauthorized order for employees or cause to be published a false or unauthorized notice stating that employees are wanted.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Duplicate employment orders. Any person, who places with an employment agent, an order for more employees than he actually desires or who places with employment agents duplicate orders for employees or who permits a standing order for employees to remain uncanceled at a time when he does not need such employees, shall be liable to persons who, in good faith, accept and act upon information furnished in good faith by employment agents under such excess, duplicate or standing order, for the amount actually expended in traveling from the location of such employment agent to the place of such proposed employment and return.

Sec. 2. False order. Any person who gives to an employment agent, or agents, any false or unauthorized order for employees or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, shall be deemed guilty of a misdemeanor.

Sec. 3. This act shall take effect upon approval.

Approved March 10, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

## CHAPTER 50.

Senate Bill No. 24.

Compiled Laws, 1917, p. 563.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

### STATE BOARD OF EXAMINERS.

An Act amending Section 2472 and repealing Sections 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499 and 2500 of the Compiled Laws of Utah, 1917, relating to state board of examiners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Section 2472, of the Compiled Laws of Utah, 1917, is hereby amended to read as follows:

2472. Approval of claims. If the board approves such claim, the members thereof must indorse thereon, over their signatures, "approved for the sum of.....dollars," and transmit the same to the office of the state auditor; and the auditor must draw his warrant for the amount so approved in favor of the claimant or his assigns, in the order in which the same was approved; provided, that in cases of claims requiring the approval and certificate of the department of finance and purchase no claim shall be approved or paid without such approval and certificate.

Sec. 2. Sections repealed. Sections 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499 and 2500, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved February 18, 1921.

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## CHAPTER 51.

Senate Bill No. 23.

Compiled Laws, 1917, p. 564.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

### DUTY OF AUDITOR AS TO CLAIMS.

An Act amending Section 2482, Compiled Laws of Utah, 1917, relating to the duty of the state auditor regarding claims.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 2482, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

2482. Auditor's duty as to claims. The state auditor shall not draw his warrant for any claim, unless it has been approved by the board, nor in cases of expenditures or appropriations requiring the approval and certificate of the department of finance and purchase unless such expenditures or appropriations have been so approved and certified, except for salaries or compensation of officers fixed by law, or for moneys expressly appropriated by law.

Sec. 2. This Act shall take effect upon approval.

Approved February 18, 1921.

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## CHAPTER 52.

Senate Bill No. 87.

Compiled Laws, 1917, p. 568.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### FEES OF CERTAIN STATE OFFICERS.

An Act amending Sections 2510 and 2514, Compiled Laws of Utah, 1917, relating to fees of certain state officers.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 2510 and 2514, Compiled Laws of Utah, 1917, be amended to read as follows:

2510. Fees in advance. For services performed in their respective offices, the secretary of state, the state auditor, the clerk of the supreme court, the state land commissioner, the state inspector of mines, and the bank examiner shall collect in advance for the use and benefit of the state the fees hereinafter enumerated under their respective official titles, and shall pay the same to the state treasurer quarterly.

2514. Fees of state land commissioner. Fees of state land commissioner for making each lease of agricultural lands, \$1.00.

For making each lease of all other lands, including grazing lands, \$5.00.

For each certificate of purchase, \$2.00; for additional certificate issued on the same purchase to the same party, \$1.00.

For copy of any resolution, record, or other document or paper on file in office, 15c per folio; for making certified copies of papers or records, the same fees as are charged by the secretary of state for like services.

Approved March 5, 1921.



## CHAPTER 53.

House Bill No. 152.

Compiled Laws, 1917, p. 587; Laws, 1919, p. 108.

(Passed March 9, 1921. Approved March 21, 1921. In effect May 10, 1921.)

## FIREMEN'S PENSION FUND.

An Act to amend Section 3, of Chapter 46, Laws of Utah, 1919, pertaining to firemen's pension fund.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 3 of Chapter 46, Laws of Utah, 1919, be and the same is hereby amended to read as follows:

Sec. 3. Retirement—pension rate. Any paid fireman who has performed twenty years' active service in a regularly constituted fire department of a city or town in this state, and who is of the age of sixty years and upwards, may retire from active service and receive the monthly pension herein provided; provided, that any paid fireman of a regularly constituted fire department of a city or town in this state, who has performed twenty years active service in said fire department, and who has not reached the age of sixty years, may, upon furnishing to the commission satisfactory proof of physical or mental disability which incapacitates him for active service, retire from active service and receive the monthly pension herein provided. Such monthly pension shall be paid to said retired fireman for the remainder of his natural life and shall be equal to one-half of the actual monthly wage of the fireman at the time of his retirement; provided, in no instance shall said pension exceed \$100.00 per month. The commission is empowered to hear and determine an application for such pension prior to the actual retirement of the applicant upon the statement of intention to retire, but payment of the pension shall not commence until the fireman has in truth retired and his name removed from the pay roll of the city or town; provided, however, that any fireman who is entitled to compensation under the provisions of the workmen's compensation Act shall not be entitled to any of the benefits arising under or by virtue of the firemen's pension fund.

Approved March 21, 1921.

## CHAPTER 54.

Senate Bill No. 30.

Compiled Laws, 1917, p. 603.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

## STATE BOARD OF HEALTH.

An Act amending Sections 2711 and 2712, Compiled Laws of Utah, 1917, relating to state board of health.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 2711 and 2712 of the Compiled Laws of Utah, 1917, are hereby amended to read as follows:

2711. Secretary to be health commissioner—duties—qualifications—salary and expenses. The secretary of the state board of health shall be state health commissioner, and shall perform and superintend the work prescribed in this title, and shall perform such other duties as the board may require. He shall keep the minutes of all meetings, make quarterly reports to the board, and employ, subject to the confirmation of the board, all necessary employees. The secretary shall be a licensed physician in good standing, of temperate habits and good moral character, and shall be thoroughly informed and experienced in all matters pertaining to hygiene and sanitation and skilled in the management and treatment of infectious and contagious diseases. The secretary shall give his entire time to the duties of his office and shall receive from the state treasury in quarterly payments an annual salary of \$4000 and such actual and necessary traveling expenses as shall be approved and certified by the department of finance and purchase and allowed by the state board of examiners on presentation of an itemized account certified by the state board of health. All other expenses of the board of health shall be paid out of the appropriations made for that purpose.

2712. Office—stationery—assistance. The department of finance and purchase shall provide such apartments, stationery, and authorize such clerical assistance as the board may require in the discharge of its duties.

Sec. 2. This Act shall take effect upon approval.

Approved February 18, 1921.

## CHAPTER 55.

House Bill No. 171.

Compiled Laws, 1917, pp. 603, 1017

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

## EMBALMING.

An Act in relation to the regulation of the practice of embalming.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Embalmer's certificate. It is unlawful for any person to practice, or attempt to practice, embalming without a certificate of registration as a registered embalmer, issued by the department of registration.

Sec. 2. Registered apprentice. After the first day of July, 1921, it shall also be unlawful for any person to serve, or to attempt to serve, as an apprentice under a registered embalmer without a certificate of registration as a registered apprentice, issued by the department of registration.

Sec. 3. Embalming defined. Either the embalming of dead human bodies or the preparation for transportation of human bodies dead of a contagious or infectious disease, constitutes the practice of embalming.

Sec. 4. Apprentice not to practice embalming—exception. No registered apprentice may independently practice embalming. A registered apprentice may, however, under the immediate personal supervision of a registered embalmer, assist a registered embalmer in the practice of embalming. This Act shall not apply to undertakers or others conducting funerals or burying dead human bodies, who neither practice nor attempt to practice embalming.

Sec. 5. Qualifications. A person is qualified to receive a certificate of registration as a registered embalmer:

(a) Who is at least twenty-one years of age;

(b) Who is of good moral character and temperate habits;

(c) Who has graduated from the eighth grade of a common school, approved by the department of registration; or who has completed an equivalent course of study, as determined by an examination conducted by the department of registration;

(d) Who has graduated from a school of embalming which requires as a prerequisite to graduation the completion of a course of



study of at least six months' duration, approved by the department of registration.

(e) Who has studied embalming in this state under a registered embalmer for at least one year. However, no credit shall be given for the study of embalming in this state under a registered embalmer after the first day of July, 1921, unless the applicant, during the period of study was a registered apprentice. The time spent in the study of embalming under an embalmer, registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, may be credited on the period of study required by the provisions of this paragraph; and

(f) Who has passed an examination conducted by the department of registration to determine his fitness to receive a certificate of registration as a registered embalmer.

Sec. 6. Qualifications of apprentice. A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who is at least eighteen years of age;

(b) Who is of good moral character and temperate habits;

(c) Who has graduated from the eighth grade of a common school, approved by the department of registration, or who has completed an equivalent course of study, as determined by an examination conducted by the department of registration.

(d) Who has entered upon the study of embalming under a registered embalmer, or who has indicated his intention of doing so.

Sec. 7. Obtaining certificate. Every person who desires to obtain a certificate of registration shall apply therefor to the department of registration, in writing, upon blanks prepared and furnished by the department of registration. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. Examinations. The department of registration shall hold examinations of applicants for certificates of registration as registered embalmers at such times and places as it may determine. The examination of applicants for certificates of registration as registered may include both practical demonstrations and written and oral tests, and shall embrace the subjects of anatomy, sanitary science, and the care, preservation, embalming, transportation, and burial of dead human bodies. The department of registration may, by rule, prescribe additional subjects for examination.

**Sec. 9. Certificate to issue.** Whenever the provisions of this Act have been complied with, the department of registration shall issue a certificate of registration as a registered embalmer, or a certificate of registration as a registered apprentice, as the case may be. Any license or certificate of registration heretofore issued under the laws of this state, authorizing its holder to practice embalming shall, during the unexpired period for which it was issued, serve the same purpose as the certificate of registration as a registered embalmer, provided for by this Act.

**Sec. 10. Displaying certificate.** Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

**Sec. 11. Renewing certificate.** Every registered embalmer and every registered apprentice who continues in active practice or service, shall, annually, on or before the first day of January, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of January in any year shall expire on the first day of February in that year. A registered embalmer or a registered apprentice whose certificate of registration has expired may have his certificate of registration restored only upon payment of the required restoration fee.

**Sec. 12. Retired embalmer—fee for renewal.** Any registered embalmer who retires from the practice of embalming for not more than five years may renew his certificate of registration upon payment of all lapsed renewal fees. However, if any registered embalmer who has retired from the practice of embalming for more than five years, has been practicing embalming under the laws of another state or territory of the United States or of a foreign country or province, he may renew his certificate of registration upon the payment of ten dollars (\$10.00).

**Sec. 13. Refusal—suspension or revocation.** The department of registration may either refuse to issue, or may refuse to renew, or may suspend, or may revoke any certificate of registration for any one, or any combination, of the following causes:

(a) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;

(b) The obtaining of or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(c) Continual practice by a person knowingly having an infectious or contagious disease;

(d) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;

(e) A second conviction for violating of the laws pertaining to his duties.

Sec. 14. **Hearing granted.** The department of registration may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke, any certificate of registration, however, for any other of these causes, unless the person accused has been given at least twenty days' notice, in writing, of the charge against him and a public hearing by the department of registration.

Sec. 15. **Call witnesses.** Upon the hearing of any such proceeding, the director of registration may administer oaths and the department of registration may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Sec. 16. **Court may order witnesses.** Any judge of a district court, either in term time or in vacation, upon application either of the accused or of the department of registration, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the department of registration in any hearing relating to the refusal, suspension or revocation of certificates of registration. Upon refusal or neglect to obey the order of the court, the judge may compel, by proceedings for contempt of court, obedience of its or his order.

Sec. 17. **Licensed under another state—qualifications.** Upon payment of the required fee, an applicant who is an embalmer, registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered embalmer by the department of registration, in its discretion, upon the following conditions:

(a) That the applicant is at least twenty-one years of age, of good moral character and temperate habits; and

(b) That the requirements for the registration of licensing of embalmers in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this state.

Sec. 18. **Rules for enforcement.** The department of registration may adopt reasonable rules and regulations relating to the enforcement of the provisions of this Act.

Sec. 19. **Rules for transportation of dead bodies.** The state board of health shall make all needful rules and regulations for the transportation



of dead bodies, and such rules and regulations shall, so far as shall be deemed practical, be in conformity with similar rules and regulations now in force in other North American states and provinces.

**Sec. 20. Penalty.** Each of the following acts constitutes a misdemeanor, punishable, upon conviction, by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00);

(a) The practice of embalming or an attempt to practice embalming, without a certificate of registration as a registered embalmer;

(b) Service as an apprentice under a registered embalmer without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to practice embalming, unless that person has a certificate of registration as a registered embalmer;

(d) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered embalmer unless that person has a certificate of registration as a registered apprentice;

(e) Obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(f) The making of any wilful false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act.

All fines and penalties shall be paid into the treasury of the state.

**Sec. 21. Keep a record.** The department of registration shall keep a record which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall, also, contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered embalmer and registered apprentice in this state.

Approved March 17, 1921.

## CHAPTER 56.

Senate Bill No. 93.

Compiled Laws, 1917, p. 603.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

## STATE WELFARE COMMISSION.

An Act creating a state welfare commission and defining its duties and powers.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. State welfare commission. There is hereby created a commission to be known as the state welfare commission which shall consist of the governor, the state superintendent of public instruction, the secretary of the state board of health, and eight other members to be appointed by the governor, at least five of whom shall be women. The term of office of the commission shall be for two years. The members shall serve without pay, but the commission may, with the consent of the governor or the head of any other state department, make use of the clerical help and other facilities of such departments.

Sec. 2. Duties. It shall be the duty of said commission to study and investigate the laws, conditions, practices and institutions of this and other states and countries, relating to public health and to the dependent, neglected, delinquent and defective classes, and upon the basis of such study to prepare amendments to and a codification of the laws of Utah pertaining to health, to the dependent, neglected, delinquent and defective classes.

Sec. 3. Inquiring power. The state welfare commission shall have authority to inquire into the conduct, management, and organization of all public institutions and agencies doing welfare work within the state.

Sec. 4. Report. The commission shall file a report of its findings and recommendations with the governor not later than November 30, 1922, and shall draft such bills as may be necessary to embrace and carry out its recommendations and submit them to the next session of the legislature.

Sec. 5. Organization. The commission shall perfect its own organization at its first meeting which shall be called by the governor during the month of April, 1921.

Sec. 6. This Act shall take effect upon approval.

Approved March 17, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

## CHAPTER 57.

House Bill No. 47.

Compiled Laws, 1917, p. 604; Laws, 1919, p. 133.

(Passed February 25, 1921. Approved March 8, 1921. In effect May 10, 1921.)

## PUBLIC SWIMMING POOLS AND BATHING PLACES.

An Act providing that the state board of health shall have supervision over the sanitation, healthfulness and cleanliness of public swimming pools, bath houses, swimming places, and all related appurtenances and is empowered to make and enforce such rules and regulations pertaining thereto, and providing a penalty for violation thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. State health board supervision. The state board of health shall have supervision over the sanitation, healthfulness and cleanliness and safety of public swimming pools, bathhouses, swimming and bathing places and all related appurtenances and is hereby empowered to make and enforce such rules and regulations pertaining thereto as it shall deem proper.

Sec. 2. Permit to construct. It shall be unlawful for any person, persons, firm, corporation, institution or municipality in any district, town, city, county, or city and county, to construct or to add to or modify, or to operate or to continue to operate any public swimming pool, bathhouse, bathing or swimming place, or any structure intended to be used for swimming or bathing purposes without an unrevoked permit so to do from the state board of health. This permit shall be obtained in the following manner: Any person, persons, firm, corporation, institution or municipality desiring to construct, add to or modify, or to operate and maintain any public swimming pool, bathhouse, bathing or swimming places or structures intended to be used for swimming or bathing purposes within the state of Utah shall file application for permission so to do with the state board of health, which application shall be accompanied by a description of the source or sources of water supply, amount and quality of water available and intended to be used, method and manner of water purification, treatment, disinfection, heating, regulating and cleaning; measures to insure safety of bathers; measures to insure personal cleanliness of bathers; method and manner of washing, disinfecting, drying and storing bathing apparel and towels, and all other information and statistics that may be required by the state board of health; whereupon, the state board of health shall cause an investigation to be made of the proposed or existing public pool or bathing places and if it shall determine as a fact that the same is or may reasonably be expected to become



unclean or insanitary or may constitute a menace to public health, it shall deny the application for permit; if it shall determine as a fact that the same is or may reasonably be expected to be conducted continuously in a clean and sanitary manner and will not constitute a menace to public health, it shall grant the application for permit under such restrictions as it shall deem proper.

**Sec. 3. Inspection.** For the purpose of this Act the state board of health or its inspectors shall at any and all reasonable times have full power and authority to, and shall be permitted to enter upon any and all parts of the premises of such public bathing and swimming places to make examination and investigation to determine the sanitary condition of such places and whether the provisions of this Act or the rules and regulations of the state board of health pertaining thereto are being violated. The state board of health may from time to time at its discretion publish the reports of such inspections in its monthly bulletin.

**Sec. 4. Permit revocable.** Any permit granted by the state board of health as provided in this Act shall be revocable or subject to suspension at any time by formal action of the state board of health, if it shall determine as a fact that the swimming or bathing place or places are being conducted in a manner insanitary, unclean or dangerous to public health.

**Sec. 5. Abating nuisance.** Any public swimming pool, swimming or bathing place or places, constructed, operated or maintained contrary to the provisions of this Act are hereby declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined in an action brought by the local or state board of health or they may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

**Sec. 6. Penalty.** Any person, firm or corporation, whether as principal or agent, employer or employee, who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction, he shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Approved March 8, 1921.

## CHAPTER 58.

Senate Bill No. 72.

Compiled Laws, 1917, p. 605.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## SANITARY INSPECTION BY BOARD OF HEALTH.

An Act providing for the sanitary inspection of the places of business of medical practitioners, barbers, dentists, and druggists and their equipment of tools, instruments, laboratory appliances and supplies, by the secretary of the state board of health and his deputies; and providing for the revocation of the licenses of the person or persons responsible for unclean or unsanitary conditions in respect thereto.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sanitary inspection of medical practitioners—equipment, etc. The secretary of the state board of health and his deputy or deputies shall each of them have the power to inspect, during business hours, the following named places and objects for the purpose of ascertaining if the same are maintained in a clean and sanitary condition, to wit:

(a) The offices, equipment, tools, instruments, laboratories, appliances, linen and supplies of all medical practitioners, dentists, barber shops and barber schools.

(b) All pharmacies, dispensaries, stores and places where drugs, medicines or poisons are compounded, dispensed or retailed.

Sec. 2. Inspectors have access. It shall be the duty of every person owning, controlling, managing or possessing any of the above named objects of inspection to give to the said secretary and his deputies free access to the said objects under his, her or its ownership, control, management, or possession.

Sec. 3. Report unsanitary place—revocation of license. In cases where the secretary of the state board of health, his deputy or deputies, on such inspection shall determine that any of the above named places or objects are not in a clean or sanitary condition, said secretary shall report in writing to the director of the department of registration, sending a copy of such report to the person or persons charged to be responsible for such condition, and the director of the department of registration may upon refusal of such person or persons to put such premises in a clean and sanitary condition, revoke the license of the person or persons so charged, to practice the trade, profession or occupation in connection with which such places or objects were being used.

Sec. 4. **Adopt rules.** The state board of health shall have power to adopt reasonable rules and regulations prescribing the sanitary requirements of medical practitioners, dentists, barber shops and barber schools and to cause said rules and regulations to be printed in a suitable form and to transmit a copy thereof to each registered medical practitioner, dentist, and proprietor or manager of a barber shop or barber school.

Sec. 5. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 59.

House Bill No. 46.

Compiled Laws, 1917, pp. 612 and 1590.

(Passed February 17, 1921. Approved March 1, 1921. In effect May 10, 1921.)

### RELATING TO PEST-HOUSES.

An Act amending Section 2765, Compiled Laws of Utah, 1917, relating to the location of pest-houses, and repealing Section 8188, Compiled Laws of Utah, 1917, relating to the establishment and maintenance of any pest-house within the limits of any city, town or village.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 2765, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

2765. Location of pest-houses. No city, county or municipal corporation, or public or private corporation, or person or association, or persons, shall after the first day of April, 1921, use, operate, maintain or cause to be used, operated and maintained any house, building or premises for any asylum or hospital used as a place of detention in which to keep or confine persons having, or suspected of having any communicable disease without first having obtained a permit, in writing, from the state board of health. The provisions of this Act shall not apply to general hospitals for the treatment of diseases, obstetrics, and surgical cases. Any person, or association of persons, or corporation, who desire to obtain the permit provided in this Act shall file with the state board of health an application for said permit describing the place or premises to be used for said purpose and the location thereof.

Sec. 2. Acts repealed. Section 8188, Compiled Laws of Utah, 1917, and all Acts and parts of Acts in conflict herein, are hereby repealed.

Approved March 1, 1921.



## CHAPTER 60.

Senate Bill No. 115.

Compiled Laws, 1917, p. 620; Laws, 1919, p. 139.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## POWERS OF COUNTY COMMISSIONERS AS TO ROADS.

An Act amending Sections 2820 and 2823, Compiled Laws of Utah, 1917, as amended by Chapter 55, Laws of Utah, 1919, relating to powers of county commissioners as to roads, and repealing Section 2822, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 2820 and 2823, Compiled Laws of Utah, 1917, as amended by Chapter 55, Laws of Utah, 1919, are hereby amended to read as follows:

2820. Constructing roads. Each board of county commissioners may by proper regulations:

1. Cause to be surveyed, viewed, laid out, recorded, opened, maintained and worked, such public roads as are necessary for public convenience.

2. Abolish or abandon such public roads as are unnecessary for the use of the public.

3. Contract for, purchase, or otherwise acquire when necessary, rights of way for public roads over private property, and may institute proceedings for the acquirement of said rights of way as provided by law.

4. Cause to be erected and maintained on such roads as they may designate, mile stones or posts and guide posts properly inscribed.

5. Designate the public roads to be maintained by the county within or extending through each incorporated city or town, which in no case shall be more than three in the same direction.

2823. Take charge of public roads. Each board of county commissioners shall:

1. Take charge of the public roads within the county and employ and direct such competent help as may be necessary to properly perform his duties.

2. Prepare, submit to the county commissioners for their approval, plans, specifications and estimates for any road construction to be made in the county of county roads.

3. May assist in the supervising and construction of state roads under the direction and control of the state road commission.

4. Keep the roads clear of obstructions, and in good repair.

5. Cause the roads to be graded, and bridges and causeways to be built wherever necessary, and keep the same in repair and renew them when necessary.

Sec. 2. Section repealed. Section 2822, Compiled Laws of Utah, 1917, is hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 61.

House Bill No. 72.

Compiled Laws, 1917, p. 623; Laws, 1919, p. 142.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### STATE ROAD COMMISSION.

An Act repealing Section 2851, Compiled Laws of Utah, 1917, and providing an additional section to be known as 2850x, and amending Sections 2850 and 2852, Compiled Laws of Utah, 1917, relating to the state road commission, and its powers and duties.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section repealed—section added—section amended. That Section 2851, Compiled Laws of Utah, 1917, be and the same is repealed; and that Section 2850, Compiled Laws of Utah, 1917, be and the same is amended to read as follows, and an additional section is added and enacted to be known as Section 2850x, and to read as follows; and Section 2852, Compiled Laws of Utah, 1917, as amended by Section 2852, Chapter 57, Sessions Laws of Utah, 1919, be and the same is amended to read as follows:

2850. State road commissioners—term—bond—salary. The governor shall, by and with the advice and consent of the senate, within thirty days after this Act shall take effect, appoint three state road commissioners at large. Each commissioner shall be a practical man of recognized ability. (No more than two of said persons shall belong to or be affiliated with the same political party.) Said commissioners shall hold office, one

for two years, one for four years, and one for six years, from and after December 1, 1921, and until their respective successors are appointed and qualified, and they shall constitute and be known as the "state road commission." And on the first day of December, 1923, and at the end of every two years thereafter, the governor, shall in like manner and by and with the advice and consent of the senate, appoint one person as the successor of the commissioner, whose term shall have then expired, to serve as such commissioner for the term of six years and until his successor is appointed and qualified. One member of the board shall be designated by the governor as chairman and executive officer. Two of said commissioners shall constitute a quorum. If any vacancy occurs in the membership of the state road commission for any cause, the person appointed to fill such vacancy shall be appointed only for the unexpired portion of the term of the member whose place he fills. Provided, however, that any member of the commission may be removed for cause by the governor. The members of the said state road commission, before entering upon the duties of their office, shall take the oath prescribed by the constitution of this state for state officers, and said oath shall be filed in the office of the secretary of state. They shall also execute a good and sufficient bond to the state in the sum of not less than \$10,000.00, each, conditioned upon the faithful performance of their duties, said bond to be approved by the governor, and then filed with the secretary of state. The said state road commissioners shall each receive an annual salary of three thousand five hundred dollars (\$3,500.00) and in addition thereto they shall be allowed their actual and necessary traveling expenses incurred in attending to official business. Said state road commissioners may also incur necessary expenses, for clerk hire and other incidental expenses, proper and necessary for carrying out the provisions of this Act, as well as for the general purpose hereinafter indicated.

2850x. State road engineer—salary—term—removal. As soon as practicable after the taking effect of this Act and the appointment of the road commission, as herein provided for, the state road commission shall appoint a state road engineer, with the advice and consent of the governor. Said engineer shall be a competent civil engineer, and experienced and skillful in highway construction and maintenance. He shall receive a salary of three thousand six hundred dollars (\$3,600.00) per annum, in addition shall be allowed his actual traveling and other expenses incurred under the provisions of this Act. He shall hold office for a period of four years and until his successor is appointed and qualified; provided, that he may be removed, for cause upon a showing, by said state road commission.

2852. Powers and duties—report. The commission shall in general exercise those powers and duties which relate to determining and carrying



out of the general policy of the state road commission and controlling its financial affairs. It shall exercise such control over the location, establishments, changing, construction and maintenance of highways as is authorized by this Act. The commission shall have the following powers and duties:

(a) To make all contracts for the construction and maintenance of highways. The commission may, however, delegate to the road engineer the power to make and execute contracts in specific cases.

(b) To hold regular meetings at the office of the state road commission, at such times as it may determine, such regular meeting dates to be duly announced by the commission.

(c) To hold such special meetings for the transaction of any business not by law required to be transacted at a regular meeting at such times and at such places as the commission may determine. The state road engineer shall attend all meetings of the commission, unless excused.

(d) To formulate and adopt rules and regulations for the expenditure by or under the direction of the state road engineer, of public funds for the construction, improvement, maintenance of highways, and other purposes authorized by law, and for letting of contracts for any work which the commissioner or the department is authorized by law to do.

(e) To determine what portion or portions of any state highway shall be improved at the expense of the state.

(f) To make agreements on behalf of the state of Utah, with the United States government or any department of the same, in any manner affecting the state roads of the state.

(g) To make written agreements on behalf of the state with any county, city or town, or road district of the state for the improvement or maintenance of any part of a state road, or at the joint expense of the state and county, city or town, provided, that the state road commission shall not undertake improvements of state roads, or any road, without the cooperation of the state road commission and county commissioners.

(h) To formulate rules and regulations governing the use by the public of state roads such as may be necessary to provide for the public safety and against undue use of the state roads.

(i) To send its members or other representatives to attend meetings within or without the state of Utah, as the commission deems will be of benefit to the work of the state road commission.

(j) To prescribe standard guide board and road signs or other devices for the guidance of traffic, and regulate the use of all other guide board and road signs on any state road in the state.

(k) To adopt regulations in regard to traffic on state roads not contrary to or in conflict with existing laws, and to close those under construction and to prescribe penalties for violations of such regulations and orders. When it is necessary to close the highways that are under construction, proper barriers and notices shall be posted at each end of such closed highway at the point where the detour road takes off from such closed highway, and such detour road shall be clearly indicated by signs, and the same shall be adequately maintained.

(l) To take over the highway work now in progress under the present law.

(m) To prescribe the qualifications of all employees of the state road commission and to inquire into their official conduct; to employ such clerical, engineering, and other assistants it may deem necessary to the proper carrying out the work of its department, and prescribe the qualifications of all such employees.

(n) To prepare and submit annually to the governor, on or before the first day of February, a budget for the state road commission for the following fiscal year.

(o) To require from the road engineer complete information concerning the work of the department under his charge.

(p) To authorize and require the road engineer to make such special investigations and compile such special data as the commission may deem to be of value for the work of the department.

(q) To exercise such other powers and duties as may be necessary to give full force and effect to the foregoing provisions.

(r) To furnish plans, specifications and estimates for culverts, bridges and for road construction, together with such necessary information with respect thereto as may be desired by board of county commissioners, for use on state or county roads.

(s) To test road materials, and to conduct experiments and make investigations with reference to road construction whenever the commission shall deem it necessary, and to prepare and issue a comprehensive manual of road building and maintenance for the information and guidance of officials having supervision of such work.

(t) To keep all records, maps, profiles, and papers in the office of the commission for public inspection and reference.

(u) To submit a report biennially to the governor of all expenditures containing a statement of the work accomplished; also, a statement of the general condition of the roads of the state, together with recom-

mendations at least twenty days prior to the regular session of the legislature.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict with the provisions hereof are hereby repealed.

Approved March 17, 1921.

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## CHAPTER 62.

House Bill No. 2.

Compiled Laws, 1917, p. 623; Laws, 1919, p. 142.

(Passed February 16, 1921. Approved February 23, 1921. In effect May 10, 1921.)

### DESIGNATION OF STATE ROADS.

An Act to amend Chapter 57, Section 2855, Session Laws of Utah, 1919, relating to the designation of state roads.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 2855, Session Laws of Utah, 1919, be and the same is hereby amended to read as follows:

2855. Designation of roads to form part of state system. From the maps furnished by the county commissioners, supplemented by such other information as the state road commission may have, said state road commission shall from time to time make recommendations to the legislature as to roads that should in the judgment of said commission be designated as state roads. After designation and selection of such roads, the state road commission shall have prepared a map of each county, showing thereon the roads so selected, and shall file a copy of said map with the county recorder of each county. The following named roads are hereby designated as "state roads" and shall comprise the "system of state roads," to-wit:

(a) Beginning at a point on the Utah-Idaho state line approximately six and one-half miles south of the town of Preston, Idaho, thence south approximately one and one-half miles, thence east one mile to the town of Lewiston, thence south two miles, thence east approximately two miles to the state highway at Cross Roads, thence southerly passing via Richmond and Smithfield to Logan, thence in a generally south-westerly direction via the Amalgamated sugar factory, Wellsville, Wellsville canyon and Mantua to Brigham City, thence in a southerly direction via Perry, Willard, Hot Springs and North Ogden to Ogden, thence in a



southerly direction via Sunset, Layton, Kaysville, Farmington, Centerville and Bountiful to Salt Lake City; thence southerly via Murray, Sandy, Lehi, American Fork, Pleasant Grove, Linden and Sharon to Provo, thence in a southerly direction via Springville, Spanish Fork, Salem, Payson, Santaquin and Mona to Nephi, thence in a southerly direction via Levan, Juab, Sevier bridge dam, Scipio and Holden to Fillmore, thence in a southerly direction via Meadow, Kanosh and Cove Fort to Beaver, thence in a southerly direction via Paragoonah to Parowan; thence in a southerly direction via Summit, Cedar City, Kanarra, Leeds, Harrisburg, Washington and Middleton to St. George; thence southwesterly via Santa Clara and Shem to the Utah-Arizona state line.

(b) From Anderson's ranch southwardly via Toquerville, LaVerkin, and Hurricane to the Utah-Arizona state line.

(c) From the junction of the Anderson-Arizona road eastwardly via Virgin, Wheeler, Rockville and Springdale, to the Zion National Park.

(d) From Nephi southeasterly via Salt Creek canyon, Fountain Green, Moroni, Ephraim, Manti, Sterling, Gunnison, Centerfield, Redmond, Salina, Aurora, Vermillion, Sigurd, Venice, Richfield, Austin, Elsinore, Joseph, Sevier, Marysvale, Junction, Circleville, Orton, Panguitch, Hillsdale, Hatch to Glendale, Mt. Carmel to Kanab to Arizona line to Johnson to Alton and Hatch. From Thistle southerly via Indianola, Milburn, Fairview, Mt. Pleasant and Spring City to intersect with the road from Nephi to Ephraim and beginning at Fairview via Connellsville to Huntington.

(e) The Lincoln Highway from the Utah-Wyoming state line, via Echo canyon, Echo, Coalville, Hoytsville and Parley's canyon to Salt Lake City, thence westwardly via Magna, Garfield, Tooele, Stockton, St. John, Clover, Johnson's Pass, Granite Mountain and Ibapah to the Utah-Nevada state line.

(f) From Ogden eastwardly via Ogden canyon and Huntsville to South Fork canyon, Beaver canyon over the divide easterly to Randolph.

(g) From Riverdale in Weber county, thence in an easterly direction via South Weber, Weber canyon, Mountain Green, Peterson Station, Morgan City, Devil's Slide to Echo.

(h) From Mills in Tooele county via Grantsville, Timpie, Delle, Low, Clive, Knolls, Barro, Arinosa, and Saldura to Wendover on the Utah-Nevada state line.

(i) From Brigham City in Box Elder county northwardly via Corinne, Bear River City, Tremonton and Garland to the Utah-Idaho state line.

(j) From Tremonton in a westerly direction by way of Blue Springs, Snowville, Curlew, Pilot Springs and Lucin to the Utah-Nevada state line.

(k) From Heber City in a southeasterly direction via Daniels canyon and Strawberry valley over the Heber Fruitland U. S. forest road to its eastern terminus at Fruitland to Duchesne.

(l) From Wanship via Peoa to Kamas.

(m) From Price via Wellington, Soldier canyon and Gate canyon to Myton.

(n) From Springville to Utah county southeasterly via Mapleton, Thistle, Tucker, Soldier Summit, Colton, Emma Park, Willow Creek canyon, Castle Gate, Helper, Price, Wellington, Woodside, Green River, Little Grand, Valley City, Moab, Richardson, up the Grand river past Dewey to Cisco and Westwater to the Utah-Colorado state line.

(o) From Provo via Provo canyon and Heber City to Park City, thence to Kimball's.

(p) Also all federal aid projects which have been approved, or which may hereafter be approved, by the state road commission.

(q) From the Utah-Idaho state line near Swan Creek in Rich county following the west shore of Bear lake by way of Garden City, Laketown, Randolph, Woodruff, to the Utah-Wyoming state line at a point about ten (10) miles in a southeasterly direction from Woodruff. Also from a point approximately nine (9) miles north of Randolph east to the Utah-Wyoming state line.

(r) From Parowan in a westerly direction via Gap, Wm. Adam's Well and intersect the Cedar-Lund road at a point sixteen miles east of Lund.

Approved February 23, 1921.

## CHAPTER 63.

House Bill No. 244.

Compiled Laws, 1917, p. 623; Laws, 1919, p. 142.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### SALARIES AND EXPENSES OF STATE ROAD COMMISSION AND ENGINEER.

An Act providing the manner of paying the salaries of the members of the state road commission and of the state road engineer and appropriating their actual and necessary traveling expenses.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Payment of salaries of state road commission and engineer. That the salaries of the members of the state road commission and of the state road engineer shall be paid out of the state road fund.

Sec. 2. Actual and necessary expenses for 1921-1922 appropriated. That there is hereby appropriated a sufficient amount to pay the actual and necessary traveling expenses of the members of the state road commission and of the state road engineer for the fiscal years 1921 and 1922. That claims for such expenses shall be paid in the usual manner after the same have been approved by the state road commission and the state board of examiners.

Sec. 3. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 64.

House Bill No. 178.

Compiled Laws, 1917, p. 627; Laws, 1919, p. 148.

(Passed March 4, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### BOND ISSUE FOR STATE ROADS.

An Act providing for the issuance and disposal of state bonds and appropriating the proceeds of the sale thereof for the maintenance and construction of state roads, and providing a fund for the payment of interest and redemption of said bonds.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Road bonds—interest—sale. The state board of loan commissioners is hereby authorized to provide for and negotiate as needed



for the purpose of this Act, loans for the state in the sum of one million dollars, by issuing negotiable coupon bonds of this state therefor, under rules and regulations not in conflict herewith, to be prescribed by said board; said bonds are to bear interest at a rate to be fixed by said board of loan commissioners not exceeding five and one-half (5½) per cent per annum; interest payable semi-annually on the first day of January and July in each year; said bonds to be signed by the governor and the secretary of state; to have the great seal of the state affixed and be countersigned by the state treasurer and registered by the state auditor in a book to be kept by him for that purpose. Said bonds shall not be sold for less than their par value and accrued interest; said bonds shall run not longer than twenty (20) years and the faith and credit of the state is hereby pledged for their payment and for the payment of the interest accruing thereon.

**Sec. 2. Expense from motor vehicle license.** The state board of loan commissioners is hereby authorized to provide the necessary engraved bonds to carry out the provisions of this Act and the expense thereof and all other necessary expenses incurred by said board in the preparation and the negotiation of said bonds, shall be paid out of the fund derived from the registration of motor vehicles upon the approval of the state board of examiners.

**Sec. 3. Bond interest from motor vehicle license fund.** The state auditor shall draw his warrant on the state treasurer for the amount of interest which shall fall due on the first day of January and July of each year, which said interest and warrant or warrants shall be drawn at least ten days prior to the maturing of the interest and such sum as may be necessary is hereby appropriated and set aside from the motor vehicle registration fund as provided by Section 3973, Compiled Laws of Utah, 1917, relating to the fees for registration of motor vehicles and chauffeurs. In case there be not sufficient money in said fund, such sums as may be necessary are hereby appropriated and set aside from the general fund of the state or from such other fund as may be provided by law for use from year to year, to pay the interest upon said bonds.

**Sec. 4. Redemption fund.** During the year 1925, and annually thereafter for the period of fifteen years there shall be and there is hereby set apart and appropriated from the said motor vehicle registration fund, or in case there is not sufficient money in said fund, there shall be set apart from the general fund of the state or from such other fund as may be provided by law for that purpose, the sum of \$62,500.00, to be drawn on the warrant of the state auditor to pay the principal of said bonds as the same fall due; said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds.

Sec. 5. Report. It shall be the duty of the state board of loan commissioners to make a full report of their proceedings under the provisions of this Act to the legislature during the first week of the next session and biennially thereafter.

Sec. 6. Bonds not taxable—use of money. Bonds issued under the provisions of this Act shall not be taxable for any purpose within this state and the proceeds of the sale thereof shall be covered into the state treasury and the same shall be appropriated and used exclusively, for the construction, maintenance and repair of permanent state roads and the building of bridges thereon.

Sec. 7. Investment of sinking fund. The state board of loan commissioners is hereby authorized and directed to invest the sinking fund from year to year in road bonds of the state of Utah, United States government bonds, county bonds, municipal bonds, school district bonds, irrigation or drainage district bonds authorized by the irrigation district, drainage district and water conservation district laws of the state. Said bonds shall carry a rate of interest of not less than  $4\frac{1}{4}$  per cent per annum.

Sec. 8. This Act shall take effect upon approval.

Approved March 10, 1921.

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## CHAPTER 65.

Senate Bill No. 28.

Compiled Laws, 1917, p. 656.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

### LABOR AND IMMIGRATION STATISTICS.

An Act amending Section 3028, Compiled Laws of Utah, 1917, relating to the authority and power of the commissioner of immigration, labor and statistics.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 3028, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

3028. Powers of commissioner by approval of finance department. With the approval of the department of finance and purchase, said commissioner is authorized and empowered to do any and all things

necessary to make a full and complete investigation of the matters and things hereinbefore enumerated, and to that end to employ the necessary clerical assistance, and to provide for the other incidental matters required to carry into effect the provisions of this title.

Sec. 2. This Act shall take effect upon approval.

Approved February 18, 1921.

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## CHAPTER 66.

Senate Bill No. 27.

Compiled Laws, 1917, p. 658.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

### COMMISSIONER OF INDIAN WAR RECORDS.

An Act amending Section 3046, Compiled Laws of Utah, 1917, relating to the expenses of the commissioner of Indian war records.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 3046, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

3046. **Expenses.** The expenses of said commissioner, including the publishing and binding of such records, shall be approved and certified by the department of finance and purchase and allowed by the state board of examiners and paid, upon verified vouchers, in the manner provided by law.

Sec. 2. This Act shall take effect upon approval.

Approved February 18, 1921.



## CHAPTER 67.

Senate Bill No. 58.

Compiled Laws, 1917, p. 660; Laws, 1919, p. 154.

(Passed March 10, 1921. Approved March 21, 1921. In effect July 1, 1921.)

## INDUSTRIAL COMMISSION.

An Act amending Sections 3072, 3073, 3076, 3077, 3087, 3089, 3094, 3104, 3108, 3112, 3114, 3116, 3119, 3121, 3123, 3124, 3125, 3127, 3128, 3132, 3133, 3137, 3140, 3141, 3142, 3147, 3148, 3152, 3159, and 3163, of Title 49, Compiled Laws of Utah, 1917, as amended by Chapter 63, Laws of Utah, 1919; enacting and adding Section 3156x to Title 49, Compiled Laws of Utah, 1917, as amended by Chapter 63, Laws of Utah, 1919; and repealing Section 3134, Compiled Laws of Utah, 1917, relating to the industrial commission, the state insurance fund and workmen's compensation.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—section added. Sections 3072, 3073, 3076, 3077, 3087, 3089, 3094, 3104, 3108, 3112, 3114, 3116, 3119, 3121, 3123, 3124, 3125, 3127, 3128, 3132, 3133, 3137, 3140, 3141, 3142, 3147, 3148, 3152, 3159, and 3163, Compiled Laws of Utah, 1917, as amended by Chapter 63, Laws of Utah, 1919, are hereby amended to read as hereinafter set forth; and Section 3156x is hereby enacted and added to Title 49, Laws of Utah, 1917, as amended by Chapter 63, Laws of Utah, 1919:

3072. Duty of employer—penalty for failure. No employer shall require or knowingly permit any employee to be in any employment or place of employment which is not safe, and no such employer shall fail to provide and use safety devices and safeguards, or fail to obey and follow orders of the commission, or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety, and welfare of his employees; and no employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe. Where injury is caused by the wilful failure of the employer to comply with any statute of the state or any lawful order of the industrial commission, compensation as provided in this Act shall be increased fifteen per cent, except in case of injury resulting in death.

3073. Duty of employee—penalty for failure. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard provided for use in any employment or place of employment,

nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, nor fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety and welfare of employees.

(a) Where injury is caused by the wilful failure of the employee to use safety devices where provided by the employer, or,

(b) Where injury results from the employee's wilful failure to obey any order or reasonable rule adopted by the employer for the safety of the employee, or,

(c) Where injury results from the intoxication of the employee, compensation provided therein shall be reduced fifteen per cent.

The above provisions do not apply in death benefits.

**3076. General powers of commission.** It shall also be the duty of the commission, and it shall have full power, jurisdiction and authority:

1. To administer and enforce all laws for the protection of life, health, safety and welfare of employees;

2. To ascertain and fix such reasonable standards and prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employment and places of employment;

3. To ascertain, fix, and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe;

4. To investigate, ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the purposes of this title;

5. To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees;

6. To establish and conduct free employment agencies, and license, supervise, and regulate private employment offices, and to do all in its power to bring together employers seeking employees and working people seeking employment, and to make known the opportunities for employment in this state;

7. To collect, collate, and publish all statistical and other information relating to employees, employers, employments, and places of employment and such other statistics as it may deem proper;

8. Upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee, the commission shall proceed, with or without notice, to make such investigation as may be necessary to determine the matter complained of. After such investigation, the commission shall enter such order relative thereto as may be necessary to render such employment or place of employment safe and not injurious to the welfare of the employees therein. Whenever the commission shall believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may of its own motion summarily investigate the same, with or without notice, and issue such order as it may deem necessary to render such employment or place of employment safe;

9. All duties, liabilities, authority, powers and privileges conferred and imposed by law upon the commissioner of immigration, labor, and statistics, state mine inspector of coal and hydro-carbon mines, and board of conciliation and arbitration are hereby imposed upon the commission. All laws relating to the commissioner of immigration, labor and statistics, state mine inspector of coal and hydro-carbon mines, and board of conciliation and arbitration shall apply to, relate, and refer to the industrial commission of Utah. The industrial commission of Utah shall be deemed the commissioner of immigration, labor, and statistics, state mine inspector of coal and hydro-carbon mines, and board of labor, conciliation and arbitration within the meaning of existing laws;

10. All orders of the commission in conformity with law shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of this title or until altered or revoked by the commission;

11. All general orders of the commission shall take effect within thirty days after their publication, special orders shall take effect as therein directed. The commission shall, upon application of any employer, grant such time as may be reasonably necessary for compliance with any order. Any person may petition the commission for an extension of time, which the commission shall grant if it find such extension of time necessary.

3077. Hearings as to reasonableness of orders. 1. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission provided in this title.

2. Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order



upon which a hearing is desired, and every reason why such order is unreasonable or unlawful, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

3. Upon receipt of such petition, if the issues raised in such petitions have theretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issue raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

4. Upon such investigation, if it shall be found the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable.

5. Whenever, at the time of final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

**3087. Action to vacate order—procedure.** Any employer or other person in interest, being dissatisfied with any order of the commission, pertaining to employment or places of employment as to requiring protection of life, health, safety and welfare of employees in such employment or places of employment, may commence an action in the district court of the county where the property, plant or place of employment affected by such order may lie, against the commission as defendant, to set aside, vacate, or amend any such order, on the ground that the order is unreasonable or unlawful, and the district court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the commission shall be filed within ten days after service of summons upon it, and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer, said action shall be at issue, and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

**3089. Jurisdiction of courts.** No court of this state, except the district court and the supreme court on appeal, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend, or annul

any order of the commission, pertaining to the employment or places of employment as to requiring to protection of life, health, safety and welfare of employees in such employment or places of employment, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, that the writ of mandamus shall lie from the said supreme court to the commission in all proper cases.

3094. **Statements by employer—penalty for failure.** Every employer shall furnish the commission upon request, all information required by it to carry out the purpose of this title. In the month of July of each year, every employer shall prepare and mail to the commission at the state capitol, Salt Lake City, Utah, a statement containing the following information, viz.: The number of employees employed during the preceding year from July 1 to June 30, inclusive; the number of such employees employed at each kind of employment; and the scale of wages paid to each class of employment, showing the minimum and maximum wage paid, and the aggregate amount of wages paid to all employees; which information shall be furnished on a blank or blanks to be prepared by the commission; and it shall be the duty of the commission to furnish such blanks to employers free of charge, upon request therefor. Every employer shall cause said blanks to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the commission, in writing, good and sufficient reasons for such failure. The commission may require the information herein required to be furnished to be certified under oath and returned to the commission within the period fixed by it or by law. The commission, or any member thereof, or any person employed by the commission for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer is required by this title to furnish to the commission. Any employer who shall refuse to furnish to the commission the annual statement herein required, or who shall refuse to furnish such other information as may be required by the commission under authority of this section, or who shall wilfully furnish a false or untrue statement, shall be liable to a penalty of not to exceed \$500 for each offense, to be collected in a civil action brought against said employer in the name of the state; all such penalties, when collected, shall be paid into the state treasury.

3104. **Requirements for classifying and fixing rates.** The commission shall observe the following requirements in classifying and fixing the rates of premiums for the risks of the same:

1. It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the expenses of administering the state insurance fund, and the disbursements on account of injuries and death of employees in each of said classes, including the setting up of reserves adequate to meet anticipated and unexpected losses, and to carry the claims to maturity; and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the state insurance fund for expenses and on account of injuries and death of the employees of such employer, including the reserves so set up.

2. Ten per cent of the money paid into the state insurance fund shall be set aside for the creation of a surplus until such fund shall amount to the sum of \$100,000 and thereafter 5 per cent of all the money paid into the state insurance fund shall be credited to such surplus fund, until, in the judgment of the commission, such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses. The commission shall also set up and maintain a reserve adequate to meet the anticipated losses and carry all claims and policies to maturity. The amount of such surplus and reserve shall be subject to the approval of the state commission.

3. At the end of every year or at such other times as the commission in its discretion may determine, a readjustment of the rate shall be made for each of the several classes of employments or industries. If at any time there is an aggregate balance remaining to the credit of any class of employment or industry, which the commission deems may safely and properly be divided, it may, in its discretion, credit to each individual member of such class who shall have been a subscriber to the state insurance fund for a period of six months or more prior to the time of such readjustment, such proportion of such balance as he is properly entitled to, having regard to his prior paid premiums since the last readjustment of rates.

4. Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above mentioned amounts have been credited to the surplus and reserve fund, and after the payment of expense of administering said fund and the payment of all awards for all injuries or deaths lawfully chargeable against the same, the premium rate for such class shall be reduced; and each individual of such class who has been a subscriber to the state insurance fund for a period of six months or longer prior to the time of such readjustment, and whose premium or premiums so paid to the fund exceeds the amount of the disbursements from the fund on account of injuries or deaths of his employees during such period, shall be entitled to a credit on the installment or installments of premium next



due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sustains to the whole amount of said premiums paid by the class to which he belongs since the last readjustment of rates.

3108. **May invest surplus funds.** The commission shall have power to invest any of the surplus or reserve belonging to the state insurance fund in bonds of the United States or federal land banks, of the state of Utah, or of any county, city, town or school district of the state of Utah, at current market prices for such bonds; or in first mortgages on real estate at not to exceed 40 per cent of the cash value thereof; provided, that such purchase or investment be authorized by a resolution adopted by the commission and approved by the state board of examiners; and it shall be the duty of the boards or officers of the several taxing districts of the state, in the issuance and sale of bonds of their respective taxing districts, to offer in writing to the commission, prior to advertising the same for sale, all such issues of the taxing districts so issuing such bonds; and said commission shall, within ten days after the receipt of such written offer, either accept the same and purchase such bonds or any portion thereof, or reject such offer in writing; and all such bonds so purchased forthwith shall be placed in the hands of the state treasurer, who is hereby designated as custodian thereof, and it shall be his duty to collect the interest thereon as the same becomes due and payable, and also the principal thereof, and to pay the same, when so collected, into the state insurance fund. The state treasurer shall honor and pay all vouchers drawn on the state insurance fund for the purchase of such bonds when signed by any two members of the commission upon delivery of said bonds to him when there is attached to such voucher a certified copy of such resolution of the commission authorizing the purchase of such bonds; and the commission may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of said bonds by the treasurer.

3112. **Construction of terms.** The following terms as used in this title shall be construed as follows:

1. The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

2. The term "general order" shall mean and include such order as applied generally throughout the state to all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

3. The term "welfare" shall mean and include comfort, decency and moral well-being.

4. The terms "safe" and "safety" as applied to any employment or a place of employment, shall mean such freedom from danger to the life, health, safety, or welfare of employees as the nature of the employment will reasonably permit.

5. The words "personal injury by accident arising out of or in the course of employment" shall include an injury caused by the wilful act of a third person directed against an employee because of his employment. They shall not include a disease except as it shall result from the injury.

6. The term "compensation" shall mean the compensation and benefits provided for in this title.

7. The term "award" shall mean the finding or decision of the commission as to the amount of compensation due any injured or the dependents of any deceased employee.

8. The term "average weekly earnings" shall mean the average weekly earnings arrived at by rule provided in Section 3142.

3114. **Securing compensation—requirements.** Employers, but not including municipal bodies, shall secure compensation to their employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation with the state insurance fund.

2. By insuring and keeping insured the payment of such compensation, with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in the state; provided, that any such stock corporation or mutual association must write and carry all risks or insurance for which application may be made to it, which are not prohibited by the provisions of Section 1148, Compiled Laws of Utah, 1917, and any carrier assuming a risk shall carry it to the conclusion of the policy period unless cancellation is agreed to by the industrial commission and the employer; and, provided, that any policy written shall be subject to cancellation at any time by the legislature.

3. By furnishing annually to the commission satisfactory proof of financial ability to pay direct the compensation in the amount and manner and when due as provided for in this Act. In the latter case the commission may in its discretion require the deposit of acceptable security, indemnity or bond to secure the payment of compensation liabilities as they are incurred, provided, the industrial commission of Utah may at any time change or modify its findings of fact herein provided for, if in its judgment such action is necessary or desirable to secure or assure a strict compliance with all the provisions of the

law in reference to the payment of compensation and the furnishing of medical, nurse, and hospital services, medicines and burial expenses to injured and the dependents of killed employees.

(4) All stock corporations or mutual associations transacting the business of workmen's compensation insurance in this state under the terms of subdivision (2) of this section shall be subject to the rules and regulations of the commission, including rates to be charged and methods of compensation to be used.

3116. Insurance policy covers entire liability. Every policy of insurance covering the liability of the employer for compensation, whether issued by the state insurance fund or by a stock company, or by a mutual association authorized to transact workmen's compensation insurance in this state, shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names, either by, at any time, filing a separate claim or by, at any time, making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation; provided, however, that payment in whole or in part of such compensation, by either the employer or the insurance carrier, shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

3119. Insurance by county, city, etc. Each county, city, town or school district which is liable to its employees for compensation may insure in the state insurance fund or pay compensation direct.

3121. Rate and manner of payment by state—estimates submitted to governor. In the month of January in the year 1918, the state auditor shall draw his warrant on the state treasurer, in favor of said treasurer as custodian of the state insurance fund, and for deposit to the credit of said fund, for a sum equal to 1 per cent of the amount of money expended by the state during the last preceding fiscal year, for the service of persons in the employ of the state, which said sums are hereby appropriated and made available for such payments; and thereafter in the month of January of each year, such sums of money shall in like manner be paid into the state insurance fund as may be due according to the rate for and insurance as fixed by the commission; and it shall be the duty of the commission to communicate to the governor, on or before December 15th, before the convening of each regular session of the legislature, an estimate of the aggregate amount of money necessary to be contributed by the state during the ensuing biennium as its proper portion of the state insurance fund.

3123. Payments into state fund regulated by class and rates. Except as hereinafter provided, every employer (except the state) who shall



have insured in the state insurance fund, shall, in the month of July, 1917, and semi-annually thereafter, furnish pay roll expenditure reports and pay into the state insurance fund the amount of premium determined and fixed by the commission for the employment or occupation of such employer, to be determined by the classifications, rules and rates made and published by the commission; and such employer shall semi-annually thereafter pay such further sum of money into the state insurance fund as may be ascertained to be due from him by applying the rules of the commission, and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the commission, which receipt or certificate, attested by the seal of the commission, shall be prima facie evidence of the payment of such premium. In the event any employer shall fail to pay to the state insurance fund or to any insurance company, authorized to do business in this state, the premium, when the same shall become due, and suit shall be instituted to recover such premium, the prevailing party shall be entitled to a reasonable attorney's fee to be fixed by the court.

3124. Substitute systems—requirements—mutual contracts. Subject to the approval of the commission, any employer may enter into or continue any agreement with his employees to provide a system of compensation or other benefits in lieu of the compensation and other benefits provided by this title. No such substitute system shall be approved unless it confers benefits upon injured employees and their dependents, at least equivalent to the benefits provided by this title, nor if it requires contributions from the employees unless it confers benefits in addition to those provided under this title at least commensurate with such contributions. Such substitute system may be terminated by the commission on reasonable notice and hearing to the interested parties if it shall appear that the same is not fairly administered or if its operation shall disclose defects threatening its solvency, or if for any substantial reason it fails to accomplish the purposes of this title; and in this case the commission shall determine upon the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal as in other cases of appeal from the orders of the commission. Any employer who makes a deduction for such purposes from the wages or salary of any employee entitled to the benefits of this title shall be guilty of a misdemeanor; provided, that, subject to the supervision of the commission, nothing in this title shall be construed as preventing the employer and his employees entering, and it shall be lawful for them to enter, into mutual contracts, and agreements respecting hospital benefits and accommodations and medical and surgical services, nursing, and medicines to be furnished the employees as in this title provided; but no profit, directly or indirectly,

shall be made by any employer as a result of such contract or agreement, the purpose and intent of this title in such respect being that, where hospitals are maintained and medical and surgical services and medicines furnished by the employer from payments by or assessments of his employees, such payments or assessments shall be no more or greater than necessary to make such hospital benefits and accommodations, including surgical and medical services and medicines, self-supporting for the care and treatment of his employees, and all sums received or retained by the employer from the employees for such purpose shall be paid and applied thereto; and provided, further, that such hospitals so maintained in whole or in part by payments or assessments of employees shall be subject to the inspection and under the supervision of the commission as to services and treatment rendered such employees.

3125. **Tax on employers not insuring in state fund.** Employers who under the terms of this Act, or by authority of the commission, are authorized to pay compensation direct, and the state insurance fund, shall pay a tax of the same per cent as required by law to be paid by insurance companies upon their premiums, based upon an amount equivalent to premiums which would be paid by such employer if insured in the state insurance fund; said tax to be computed and collected by the state commission and paid into the state treasury.

3127. **Conditional liability of employers.** Employers who comply with the provisions of Section 3114 shall not be liable to respond in damages at common law or by statute, except as hereinafter provided, for injury or death of any employees, wherever occurring.

3128. **Notice by employers electing to pay direct compensation.** Each employer providing insurance or electing directly to pay compensation to his injured or the dependents of his killed employees as herein provided, other than the employers mentioned in Sub. 1 of Section 3110, shall post in conspicuous places about his place of business typewritten or printed notices stating the fact that he has complied with the provisions of this title and all of the rules and regulations of the commission made in pursuance thereof, and has been authorized by the commission directly to compensate such employees or dependents, and the same, when so posted, shall constitute sufficient notice to his employees of the fact that he has complied with the law as to securing compensation to his employees and their dependents.

3132. **Right of employee to recover, exclusive under this title—exceptions.** The right to recover compensation pursuant to the provisions of this title for injuries sustained by an employee, whether resulting in death or otherwise, shall be the exclusive remedy against the employer, except that where the injury is caused by the employer's wilful mis-

conduct and such act causing such injury is the personal act of the employer himself, or if the employer be a partnership, on the part of one of the partners, or if a corporation, on the part of an elective officer or officers thereof, and such act indicates a wilful disregard of the life, limb, or bodily safety of employees, such injured employee may, at his option, either claim compensation under this title or maintain an action at law for damages. The term "wilful misconduct," as employed in this section shall be construed to mean an act done knowingly and purposely with the direct object of injuring another.

3133. **Assignment of cause of action.** If an employee under this Act be injured or killed while in the course of his employment by another not in the same employment, he or his dependents in case of death, shall be entitled to compensation and to no other remedy unless the employer be subject to the provisions of Section 3129 and 3130. No employee or the dependents in case of death shall be granted compensation in such case unless such employee or his dependents, as the case may be, shall assign any cause of action existing against the person responsible for or causing the injury or death to the state insurance fund, if compensation be payable therefrom, and otherwise to the person or association or corporation liable for the payment of such compensation. And such cause of action is by this section made assignable, whether it be for injury or death, and the dependents or the personal representative and not the heirs in such case shall have the right and power to make a full and exclusive assignment notwithstanding Sections 6504 and 6505, Compiled Laws of Utah, 1917.

3137. **Rate and limit for temporary disability.** In case of temporary disability, the employee shall receive 60 per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of \$16 per week, and not less than a minimum of \$7 per week; provided that where the wage earned at the time of injury is less than \$7 per week; then in such cases the amount of wages earned should be the amount of compensation to be paid; but in no case to continue for more than six years from the date of the injury, or to exceed \$5000.

3140. **Benefits in case of death.** In case the injury causes death within the period of three years, the benefits shall be in the amounts and to the persons following:

1. The employer or insurance carrier shall pay the burial expenses of the deceased as provided herein, and if there are no dependents, shall pay into the state treasury a sum equal to twenty per cent of the amount provided in subsection 2 of this section. Any claim for compensation must be filed with the commission within one year from the date of the death of the deceased; and if at the end of one year from the date of the death of the deceased, no claim for compensation shall have been



filed with the commission, the payment of the sum equal to twenty per cent of the amount provided in subsection 2 of this section shall be paid at that time into the state treasury by the employer or the insurance carrier. Such payment shall be held in a special fund for the purposes provided in subsections 6 and 7 of this section; the state treasurer shall be the custodian of this special fund, and the commission shall direct the distribution thereof.

2. If there are wholly dependent persons at the time of the death, the payment shall be 60 per cent of the average weekly wage, but not to exceed a maximum of \$16 per week, and to continue for the remainder of the period between the date of the death, and six years after the date of the injury, and not to amount to more than a maximum of \$5000 nor less than a minimum of \$2000.

3. If there are partly dependent persons at the time of the death, the payment shall be 60 per cent of the average weekly wages, but not to exceed the maximum of \$16 per week, and to continue for all or such portion of the period of six years after the date of injury, as the commission in each case may determine, and not to amount to more than a maximum of \$5000, provided that the benefits provided for in this subsection shall be in keeping with the circumstances and conditions of dependency existing at the date of injury, and any amount awarded by the commission under this section must be consistent with the general provisions of this Act.

4. If there are wholly dependent persons and also partially dependent persons at the time of death, the commission may apportion the benefits as it may deem just and equitable; provided, that the total benefits awarded to all parties concerned shall not exceed the maximum provided for by law.

5. The following persons shall be presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she lives at the time of his death.

(b) A female child or female children under the age of eighteen years and a male child or male children under the age of sixteen years (or over such ages if physically or mentally incapacitated from earning), upon the parent with whom he is living at the time of the death of such parent.

In all other cases, the question of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in the death of such employee, but no person shall be considered as dependent unless a member of the

family of the deceased employee, or bears to him the relation of husband or widow, lineal descendant, ancestor, or brother or sister. The word "child" as used in this title shall include a posthumous child, and a child legally adopted prior to the injury. Half brothers and sisters shall be included in the words "brother or sister" as above used.

6. If any employee who has previously incurred permanent partial disability incurs a subsequent permanent partial disability such that the compensation payable for the disability resulting from the combined injuries is greater than the compensation which except for the pre-existing disability would have been payable for the latter injury, the employee shall receive compensation on the basis of the combined injuries, but the liability of his employer shall be for the latter injury only and the remainder shall be paid out of the special fund provided for in subdivision 1 of this section.

7. If any wholly dependent persons, who have been receiving the benefits of this Act, and who, at the termination of such benefits are yet in a dependent condition, and under all reasonable circumstances, should be entitled to additional benefits, the industrial commission may, at its discretion, extend indefinitely such benefits; but the liability of the employer or insurance carrier involved shall not be extended, but the additional benefits allowed shall be paid out of the special fund provided for in subdivision 1 of this section.

8. When any alien dependent of the deceased resides outside of the United States of America or any of its dependencies, or Canada, such dependent shall be paid not to exceed one-half the amount provided herein.

3141. Apportionment and payment of benefits. The benefits in case of death shall be paid to such one or more of the dependents of the decedent, for the benefit of all the dependents, as may be determined by the commission, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the commission deems it proper, and shall operate to discharge all other claims therefor. The dependents or persons to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the commission. In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the commission on behalf of herself and minor children; and in cases where all of the dependents are minors, the application shall be made by the guardian or next friend of such minor dependents. Should any dependent of a deceased employee die during the period covered by such weekly payments, the right of such dependent to com-

pensation under this title shall cease, provided, should a widow who is the sole dependent of a deceased employee, and who is receiving the benefits of this Act, remarry during the period covered by such weekly payments, she shall be entitled to receive in lump sum payment, one-third of the benefits yet remaining unpaid at the time of such remarriage.

3142. **Basis of computation.** The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits, and shall be arrived at and determined in the following manner, to wit: employment shall mean pursuit in the usual trade, business, or profession of the employer. Five and one-half or six day employment shall mean pursuit in the usual trade, business, or profession, the usual operation of which is six days or less per week. Seven day employment shall mean pursuit in the usual trade, business, or profession, the usual operation of which is seven days per week. The average weekly wage shall be determined as follows:

1. Determine the contract of hire existing at the time of the injury, whether upon annual, month, week, day, hour, or piece basis;

2. Determine whether the employment is operated on a five and one-half, six or seven day basis.

3. Determine daily wage as follows:

- (a) If the wage is on an annual basis, and the employment is seven days per week, divide the annual salary by 364 days. Result—daily wage. If the employment is five and one-half or six days per week, divide annual salary by 312 days. Result—daily wage.

- (b) If wage is on monthly basis, multiply monthly salary by 12 and proceed as above (a) to determine daily wage.

- (c) If the wage is on a daily basis no rule is required.

- (d) If the wage is on an hourly basis, multiply pay per hour by the number of hours said employment regularly operates, or if operation is not regular, use eight hours as a day.

- (e) If the wage is on piece basis, use the average daily earnings for a reasonable period in which employment has been regular. Divide the amount earned by the number of days worked in such period. If the duration of employment has been too short to determine as above, then use the wage of an average employee, taking into consideration the experience of said employee, and determine as above, (a).

- (f) If the wage is on part-time basis, and the employment is regular, the wage shall be extended to full time basis, or that wage



the injured would earn if working full time in such employment, and determine as above, (a).

4. To determine average weekly wage, if the employment is five and one-half or six days per week, multiply the daily wage, as determined by the foregoing method, by 300 and divide by 52. If the employment is seven days per week, multiply the daily wage, as determined above, by 332 days and divide by 52.

5. To determine weekly compensation, let D represent daily wage.

If  $5\frac{1}{2}$  or 6 days of employment per week—

$$\frac{D \times 300 \times 60}{52} = \text{weekly compensation.}$$

If 7 days of employment per week—

$$\frac{D \times 332 \times 60}{52} = \text{weekly compensation.}$$

6. To determine daily compensation, divide weekly compensation by seven.

3147. **Additional compensation.** In addition to the compensation provided for in this Act the employer or insurance carrier, or the state insurance fund shall in ordinary cases also be required to pay such a reasonable sum for medical, nurse and hospital services, and for medicines, and for such other artificial means and appliances as may be necessary to treat the patient as in the judgment of the commission may be just, not exceeding the sum of \$500.00; provided that if upon application to and investigation by the commission it shall find that in particular cases such an amount is insufficient, then and in such event the commission shall determine and fix such a reasonable amount as under all the circumstances shall be fair and just and in case death results from the injury the commission shall also require the employer or insurance carrier, or the state insurance fund, to pay the burial expenses in ordinary cases not exceeding the sum of \$150.\* [Provided,

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\*By error in engrossing, the remainder of this section was permitted to have a place in the engrossed bill. This certificate of the minute clerk presents the facts:

I hereby certify that I was official minute clerk of the Utah state senate during the fourteenth session; that as such I attended such session; that on page 8 of the Senate Journal of the fifty-first day appears an amendment proposed by Senator Jenkins to S. B. No. 58, by Mr. Dern, as follows:

"Line 22, page 24. Insert a period after '\$150.00' and strike the remainder of the section."

I do further hereby certify that the amendment above set forth was duly carried and made at the time of the passage of this bill.

(Signed) J. J. PETERS, Minute Clerk.

however, that if upon an application and hearing the commission shall find that in particular cases that amount shall be insufficient, then and in that event the commission shall determine and fix such a sum for burial expenses as in its judgment under all the circumstances shall be fair and just. The commission shall in all cases allow only such an amount for the services and things herein provided for as in its judgment shall be fair and just.]

3148. **Right of appeal.** (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby including the state insurance fund, may apply to the supreme court of this state for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original award or the award on rehearing inquired into and determined.

(b) Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record, which shall include all the proceedings and the evidence taken in the case, to the court. On the return day the cause shall be heard in the court unless for good cause the same be continued. No new or additional evidence may be introduced in such court, but the cause shall be heard on the record to the commission as certified to by it. The review shall not be extended further than to determine whether or not:

1. The commission acted without or in excess of its powers.

2. If findings of fact are made, whether or not such findings of fact support the award under review.

(c) The findings and conclusions of the commission on questions of fact shall be conclusive and final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the court shall enter judgment either affirming or setting aside the award.

(d) The provisions of the code of civil procedure of this state relating to writs of review shall, so far as applicable, and not in conflict with this Act, apply to proceedings in the courts under the provisions of this section. No court of this state (except the supreme court) shall have jurisdiction to review, reverse, or annul any award of the commission, or to suspend or delay the operation or execution thereof; provided that a writ of mandamus shall lie from the supreme court in all proper cases.

(e) In all cases coming before the industrial commission in which attorneys have been employed, the commission is vested with full power to regulate and fix the fee charge to be made by such attorneys.

3152. Medical examination—refusal—removing from locality. Any employee claiming the right to receive compensation under this title may be required by the commission, or its medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employee, and as may be provided by the rules of the commission. If such employee refuses to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the commission, or to receive any payments for compensation theretofore granted shall be suspended during the period of such refusal or obstruction.

1. An injured employee who desires to leave the locality in which he or she has been employed during the treatment of his or her injury or desires to leave this state, shall report to his or her attending physician for examination, notifying the commission in writing of such intention to leave, accompanying such notice with a certificate from the attending physician, setting forth the exact nature of the injury, the condition of the employee, together with a statement of the probable length of time disability will continue. After complying with the requirements herein set forth and upon written consent of the commission, the employee may leave the locality in which he or she has been employed, otherwise no compensation will be allowed during such absence from the locality in which he or she has been employed.

3156x. Failure to give notice of injury. Where an employee claiming to have suffered an injury in the service of his employer fails to give notice to his employer of the time and place where the accident and injury occurred and the nature of the same within forty-eight hours, or fails to report for medical treatment within said time, the compensation provided for herein shall be reduced fifteen per cent; provided, however, that knowledge of such injury obtained from any source on the part of such employer, his managing agent, superintendent, foreman, or other person in authority, or knowledge of the assertion of the injured sufficient to afford an opportunity to the employer to make an investigation into the facts and to provide medical treatment shall be equivalent to such notice or any defect or inaccuracy therein shall not subject the claimant to such reduction, if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead or prejudice the employer in making his defense, and that he was not, in fact, so misled or prejudiced thereby, and provided further that if no notice of the accident and injury is given to the employer within



one year from the date of the accident, the right to compensation shall be wholly barred.

3159. **Annual report—dissemination of information.** On or before the 15th day of December, preceding the regular sessions of the legislature, the commission, under the oath of at least two of its members, shall make a report to the governor for the preceding biennial period, which shall include a statement of the number of awards made by it, and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which the commission deems proper to call to the attention of the governor, including any recommendations it may have to make; and it shall be the duty of the commission from time to time to publish and distribute among employers and employees such general information as to the business transacted by the department as in its judgment may be useful.

3163. **Appropriation for insurance and expenses.** The sum of \$40,000 is hereby appropriated out of the money in the state treasury not otherwise appropriated, and the same is hereby set aside for the state insurance fund, to be administered by the commission as provided in this title; and the further sum of \$50,000 or so much thereof as may be necessary, is hereby appropriated out of the money in the state treasury not otherwise appropriated, for the payment of salaries and expenses of the commission and the employees of said commission, during the years 1917 and 1918; provided, that the said sum of \$40,000 so appropriated for the state insurance fund, shall be returned to the state treasury from the state insurance fund, either in cash or in securities purchased by the state insurance fund, or as credits to apply on premiums due or to become due from the state at such time and in such amounts as the commission shall deem advisable and when in the judgment of the commission, the return of said appropriation may be made without impairing the solvency of said state insurance fund.

Sec. 2. **Section repealed.** Section 3134, Compiled Laws of Utah, 1917, as amended by Chapter 63, Laws of Utah, 1919, is hereby repealed.

Sec. 3. **This Act shall take effect July 1, 1921.**

Approved March 21, 1921.

## CHAPTER 68.

House Bill No. 145. Const., Art. 17; Compiled Laws, 1917, p. 724; Laws, 1919, p. 177.  
(Passed March 9, 1921. Approved March 14, 1921. In effect May 10, 1921.)

## COLORADO RIVER—DISTRIBUTION OF WATERS.

An Act providing for the appointment of a representative on behalf of the state of Utah to negotiate a compact and agreement between the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and between said states and the United States reclamation service respecting the use and distribution of the waters of the Colorado river and its tributaries and the rights of said states and the United States thereto.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Joint commission for seven states, on Colorado river distribution. The governor is hereby authorized by this Act, to appoint a representative who shall represent the state of Utah, on a joint commission to be composed of a representative of Arizona, Colorado, California, Nevada, New Mexico, Utah and Wyoming, and duly authorized representatives of the United States reclamation service, and the United States federal power commission, the same to constitute a commission for the purpose of negotiating and entering into a compact or agreement between said states, and between said states and the United States, with the consent of congress, respecting the further utilization and disposition of the waters of the Colorado river and streams tributary thereto, and fixing and determining the rights of said states and the rights of the United States in and to the use, benefit and disposition of the waters of said stream, provided, however, that any compact or agreement so entered into by said states and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the legislature of the said states and by the congress of the United States.

Sec. 2. When to enter upon duties. The governor shall notify the governors of the other states mentioned in Section 1 hereof, and the United States reclamation service, of the appointment of the representative for Utah as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until representatives from at least five of the states named in Section 1, hereof shall have been named and qualified.

Sec. 3. **Authority of Utah representative.** Said representative from Utah shall have full authority to make any and all investigations of the Colorado river and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said stream, and of the present and future need of the state of Utah, and its citizens of the use and benefit of the waters of said stream. To that end said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the state of Utah upon said joint commission.

Approved March 14, 1921.

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## CHAPTER 69.

House Bill No. 48.

Compiled Laws, 1917, p. 724; Laws, 1919, p. 177.

(Passed March 9, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### STATE ENGINEER.

**An Act to amend Section 7, of Chapter 67, of the Session Laws of 1919, relating to the appointment of a state engineer and his tenure of office.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Section amended.** That Section 7 of Chapter 67, of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Sec. 7. **State engineer — qualifications — appointment — term — duties.** There shall be a state engineer, who shall be appointed by the governor by and with the advice and consent of the senate. He shall hold his office for the term of four years and until his successor shall have been appointed and qualified. He shall have general administrative supervision of the waters of the state and of their measurement, appropriation, apportionment and distribution. He shall have power to make and publish such rules and regulations as may be necessary from time to time fully to carry out the duties of his office and particularly to secure the equitable and fair apportionment and distribution of the water according to the respective rights of appropriators. The state engineer may establish water districts and define the boundaries thereof, said districts to be so



constituted as to secure the best protection to the claimants of water, and the most economical supervision on the part of the state. No person shall be appointed to the office of state engineer who has had less than five years experience as a practical engineer, and who has been less than three years an actual and bona fide resident of the state of Utah, and who has not such theoretical knowledge and practical experience and skill as shall fit him for the position.

Sec. 2. Present term expires. The term of office of the present state engineer shall terminate upon the appointment and qualification of the state engineer herein provided for.

Sec. 3. This Act shall take effect upon approval.

Approved March 10, 1921.

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## CHAPTER 70.

House Bill No. 147.

Compiled Laws, 1917, p. 724; Laws, 1919, p. 177.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### WATER RIGHTS ON INTERSTATE STREAMS.

An Act providing for and authorizing the state engineer to co-operate with the states of Wyoming, Idaho, Colorado, Arizona and Nevada in the matter of acquiring, determining, supervising and regulating water and water rights on interstate streams.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Appropriating water from interstate streams—co-operation with border states. That the state engineer may, and is hereby authorized and empowered to receive and grant application to appropriate water from interstate streams, in Utah, where such water is to be conveyed, and used for beneficial purposes within any border state, and to issue certificate of appropriation thereon upon satisfactory evidence that the waters appropriated have been put to the beneficial use set forth in the application: Also to co-operate with the state engineer of any border state in the determination, supervision, regulation and control of all water and water rights on all interstate streams; and to that end the state engineer by and with the consent of the governor, may enter into the necessary agreements with the state engineer of any border state to carry out the purposes of this Act, providing that such agree-

ments are not in conflict with the provisions of the irrigation and water right law now in force in this state.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

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## CHAPTER 71.

House Bill No. 216.

Compiled Laws, 1917, p. 724; Laws, 1919, p. 177.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### UTAH WATER STORAGE COMMISSION.

An Act creating the Utah water storage commission, and board advisory thereto, and prescribing the powers and duties of such commission, and appropriating the sum of two thousand five hundred (\$2,500.00) dollars to cover the expenses incurred by the commission.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Utah water storage commission. There is hereby created a commission to be known as the Utah water storage commission to be composed of the state engineer, and not more than six other members, citizens of the state of Utah over the age of twenty-one years, to be appointed by the governor.

Sec. 2. County or other agency may co-operate. Any county, city, or other agency may co-operate with the commission and may supply additional funds for use in conducting investigations and compiling data, and any such county, city, or other agency so co-operating and supplying funds appoint one member of the advisory board, and such board shall meet with, advise, aid and assist the commission in the performance of its duties.

Sec. 3. Powers and duties. The powers and duties of said commission shall be to make investigations looking to a full and proper development and utilization of the state's water supply, preliminary surveys, examinations, tests and plans, and estimates of the cost; to prepare and compile all such information and data so obtained, or that may become available to it; to employ such technical assistants and other help as the funds at the disposal of the commission may permit, and as may be

deemed necessary or advisable; to co-operate in all such work with any county or counties, city, state, federal or other agency, interested in the development of the state's water supply; to formulate and recommend to the governor, prior to the meeting of the next regular session of the legislature of the state of Utah, the enactment of such legislation as may be advisable or necessary to put into effect a definite plan or program for the ultimate development and utilization of the state's water resources.

**Sec. 4. Acquire data.** The commission may, for the purpose of its investigations, conclusions and recommendations, acquire free of cost to the state, all such data, maps, plans and records as have been compiled by the Utah Conservation Company and the Utah Water Storage Association, and such data, plans and records, if and when acquired, shall become a part of the records of the commission.

**Sec. 5. Terms of members—organization.** The term of office of the civilian members of the commission shall be two years, and until their successors are appointed and qualified; and they shall serve without compensation, except actual and necessary expenses incurred in the performance of their duties. The commission shall organize by electing one of their members as chairman and by appointing a secretary. It shall be the duty of such secretary to conduct the correspondence, sign warrants, keep the records of said commission, and perform such other acts as he may be directed to perform by the commission. The compensation of the secretary, and all employees shall be fixed by the commission.

**Sec. 6. Attorney general.** The attorney general shall render such legal service in connection with the work of the commission as he may be called upon by the commission to perform.

**Sec. 7. Appropriation for expenses.** The sum of two thousand five hundred (\$2,500.00) dollars is hereby appropriated, to be paid out of the state treasury on warrants of said commission signed by its secretary and countersigned by its chairman, and to be used by said commission in payment of the cost and expenses of conducting its investigations and compiling its data, reports and recommendations.

**Sec. 8. Moneys to go into state treasury.** All money that may be appropriated for, or contributed to the work of the commission by any county, city, or other agency, shall be covered into the state treasury and withdrawn only on the warrants of the commission, in the same manner as the funds appropriated by the state.

**Sec. 9.** This Act shall take effect upon approval.

Approved March 17, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 72.

House Bill No. 203.

Compiled Laws, 1917, p. 724; Laws, 1919, p. 177.

(Passed March 10, 1921. Approved March 21, 1921. In effect May 10, 1921.)

## WATER AND WATER RIGHTS.

An Act to amend Sections 9 and 70, of Chapter 67, Session Laws of Utah, 1919, relating to waters and water rights.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 9 and 70 of Chapter 67, of the Laws of Utah, 1919, is hereby amended to read as follows:

Sec. [9.] Flow of appropriated waters—share expense of loss—stored water. Upon application in writing and approval of the state engineer, any appropriated water may be turned into the channel of any natural stream or natural body of water or into a reservoir constructed across the bed of any natural stream, and commingled with its waters, and then be taken out, either above or below the point where emptied into the stream, body of water or reservoir, but, in so doing, the original water in such stream, body of water or reservoir must not be deteriorated in quality or diminished in quantity, and the additional water turned shall bear its share of loss by evaporation and seepage and of the maintenance of said reservoir, and an equitable proportion of the cost of the reservoir site and of the construction. Any person, corporation, or association having stored his or its appropriated water in a reservoir for a beneficial purpose shall be permitted to withdraw the same at such times and in such quantities as necessities may require.

Sec. 70. State engineer as referee—powers—payment. When two or more persons, companies or corporations, joint owners in an irrigation ditch or reservoir, are unable to agree relative to the division and distribution of water received through their ditch, or from their reservoir, it shall be lawful for 25 per cent of such owners to apply to the state engineer or his assistant in the district in which such ditch or reservoir shall be located, by a written notice setting forth such fact, asking the state engineer or assistant to take charge of such ditch or reservoir for the purpose of making a just division or distribution of the water from the same to the parties entitled to the use thereof. The said state engineer or assistant shall take exclusive charge of such ditch or reservoir, for the purpose of dividing the water therefrom in accordance with rights established by existing decrees or otherwise, and continuing the said work until the necessity therefor shall cease to exist. The state engineer or assistant shall have power to determine the loss in transit of any water of

a stream other than the natural flow from a reservoir or other source, by seepage and evaporation, subject to an appeal as provided in this Act. In all cases where the state engineer or assistant is called upon to divide the waters of a ditch or reservoir between appropriators, when the term of his employment exceeds three consecutive days, he shall be paid for his services by the interested water users in proportion to the established rights of each, and such cost shall be considered by the state engineer in fixing the schedule of pro rata cost for the salary and expenses of said assistant as by law provided.

Approved March 21, 1921.

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## CHAPTER 73.

House Bill No. 163.

Compiled Laws, 1917, p. 748; Laws, 1919, p. 204.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### WATER CONSERVATION DISTRICTS.

An Act amending Sections 2, 3, 4, 5, 6, 7, 8, 11, 15, 22, 24, 26, 41, 42, 47, 48, 49 and 51, Chapter 68, Session Laws of Utah, 1919, relating to the organization of water conservation districts, election and powers of board of directors, sale of bonds, construction of irrigation works, exclusion of lands from district and confirmation by district court of the organization of the district, and acts of the district in authorizing issue and sale of bonds or contract with United States.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 2, 3, 4, 5, 6, 7, 8, 11, 15, 22, 24, 26, 41, 42, 47, 48, 49 and 51, Chapter 68, Session Laws of Utah, 1919, be and the same are hereby amended to read as follows:

Sec. 2. Petition for water conservation district—procedure—expense—duty of county commissioners and state engineer. For the purpose of establishing a water conservation district as provided by this Act, a petition shall be filed with the board of county commissioners of the county which embraces the largest acreage of the proposed district; said petition shall state that it is the purpose of the petitioners to organize a water conservation district under the provisions of this Act, and shall state the proposed means of water supply, the name proposed for such district and shall be accompanied by an ownership plat as shown by the county records of the lands to be included in the proposed district; the petition shall pray

the board to request that a water survey and allotment of water for the lands within the proposed district be made, that the land to be included in the proposed district be determined, listed with water allotment and platted, and that the question of final organization of the same be submitted to the vote of landowners within the proposed district; the petition shall be signed by the governor, or if proposed by landowners, by fifty or a majority of such landowners or holders of title or evidence of title to land within the proposed district. If the petition is presented by landowners it must be accompanied by a good and sufficient bond to be approved by said board of county commissioners in double the amount of the probable cost of organizing such district inclusive of the cost of water survey and conditioned for the payment of all such costs incurred in said proceeding including the cost of water survey in case said organization shall not be effected; no bond need accompany the petition by the governor. The cost of the water survey, and all other costs incurred upon petition filed by the governor, shall, if organization of the district be not effected, be borne one-half by the county or counties in which the proposed district is situated, in proportion to the acreage, and one-half by the state of Utah. In case organization of the district is effected all organizing costs and expenses, including cost of the water survey, shall be repaid by said district. Upon the filing of such petition with the board of county commissioners they shall send a certified copy of same to the state engineer of the state of Utah, with a request that the water survey and allotment be made. Thereupon it shall be the duty of the state engineer to cause to be made a water survey of all lands within the district for the purpose of determining and allotting the maximum amounts of water which could be beneficially used on such lands; each forty-acre tract or smaller tracts in separate ownership within each such legal subdivision shall be separately surveyed and the allotment made therefor. On completion of said survey and allotment, the state engineer shall file with the board of county commissioners with which the petition for the said district is filed, his return of survey and report of allotment. Upon receipt of the report and return from the state engineer, the board of county commissioners shall cause to be published, notice that petition for formation of an irrigation district has been filed, water survey and allotment made, and a date set for the hearing of applications for exclusion and inclusion of lands and revision of allotments. Such notice shall be published once a week for three consecutive weeks, the last publication of which shall be at least one week prior to the date set for hearing, in some newspaper of general circulation published in the county, or if the district embraces lands in more than one county, then in a newspaper of general circulation published in each such county, or if



there be no such paper published in any such county or counties, then in some newspaper having general circulation in such county or counties.

Sec. 3. Land and water allotments—changes—limitations—preparation for election. When a petition has been filed, water survey and allotment made, and notice of hearing published as required by this Act, the commissioners shall upon the date set, proceed to determine and list the lands by acreage and ownership in each forty acre legal subdivision to be included in said proposed district, from the petition, and from such applications for the exclusion of lands therefrom and the inclusion of lands therein, as may be made in accordance with the intent of this Act and may revise the allotment of water made by the state engineer; provided that no increase shall be made in any such allotment without the approval of the state engineer; they may adjourn such examination from time to time not exceeding two months in all, and shall by final order duly entered determine and list the acreage and ownership in each forty acre legal subdivision together with the allotment of water made; provided, that said board shall not so alter the included lands, shown by the plat accompanying the petition, as to change the objects of said petition, or so as to exempt from the operation of this Act any lands, requiring water, shown on the plat as included within the petition, and susceptible of irrigation by the same system of water works applicable to other lands in such proposed district; nor shall any land which will not in the judgment of the board be benefited by such proposed system be included in such district; nor shall any lands of the state of Utah not held under contract of sale and for which the state board of land commissioners has not petitioned inclusion, be included in such district; provided also that lands not included in said proposed district as shown on the ownership plat accompanying the petition, may upon application of the owner or owners be included in such district upon such hearing, and such included lands shall be listed with such allotment or water as the board, using the allotment made by the state engineer for similar lands as a basis, may make after the conclusion of such hearing; provided further that in the hearing of any such petition the board of county commissioners shall disregard any informality therein, and in case they deny the same or dismiss it for any reason on account of the provisions of this Act not having been complied with, which are the only reasons upon which they shall have a right to refuse or dismiss the same, they shall state their reasons in writing therefor in detail, which shall be entered upon their records and in case these reasons are not well founded, a writ of mandamus shall, upon proper application therefor, issue out of the district court of said county, compelling them to act in compliance with this Act, which writ shall be heard within twenty days from the date of its issuance, and which twenty days shall be excluded

from the two months after return of survey by the state engineer given the commissioners herein to act upon said petition. When the lands included in the proposed district shall have been determined and listed as aforesaid, the county commissioners shall forthwith make an order determining and listing said lands as aforesaid together with the allotments of water made, and designating the name of such proposed district, and shall by further order duly entered upon the record call an election of the landowners of said district to be held for the purpose of determining whether such district shall be organized under the provisions of this Act, and by such order shall submit the names of one or more persons from each of the three divisions of said district as hereinafter provided to be voted for as directors therein, and for the purpose of said election shall divide said district into three divisions as nearly equal in voting strength as may be practicable, define the boundaries thereof, designate polling places, and provide that a landowner of each of said divisions shall be elected a member of the board of directors of said district by the landowners of the whole district. Each of said divisions shall constitute an election precinct and three judges shall be appointed for each polling place therein, one of whom shall act as clerk of said election, provided, that the board of county commissioners may divide each of such divisions or election precincts into one or more voting precincts, designate polling places, and appoint judges of election therefor.

Sec. 4. Notice of election—who entitled to vote—directors. The board of county commissioners shall thereupon cause a notice embodying said orders in substance signed by the chairman of the board of county commissioners, and the clerk of said board, to be issued, given and published, giving public notice of said election, the time and place thereof, and the matters submitted to the vote of the landowners; said notice and substance of such order shall be so published as provided in Section 2 of this Act, and if any portion of such proposed district lies within any other county, or counties, then such order and notice shall be published in a newspaper of general circulation within each of said counties. At all elections held under the provisions of this Act, all persons shall be entitled to vote who are landowners of agricultural lands, to which water has been allotted within the district as defined by this Act; provided, that corporations owning lands within the district shall be considered persons within the meaning of this section. Landowners shall be entitled to vote only in the division of such district, wherein their lands, to which water has been allotted, or a major portion thereof are located; and any individual entitled to vote as aforesaid shall also be eligible to election as a director in and for the division in such district, in which the major portion of his lands are located. The ballots to be used and cast at such election for the formation of such district, shall be substantially as follows: "Water conservation district,....."

Yes,.....(Name) .....acre-feet,"  
or "Water conservation district,.....No.....

.....(Name) .....acre-feet," or words equivalent thereto, and shall also contain the names of the persons to be voted for as members of the board of directors of said district; each landowner may vote for three directors, one for each division, and shall indicate his vote by placing a marginal cross upon the ballot for or against any question submitted or name voted upon and opposite thereto at any election held under this Act. Provided, that at the election for the organization of the district each elector as provided herein shall be entitled to cast one vote for each acre-foot of water or fraction thereof, allotted to the land owned by such elector, as shown by the order of the board of commissioners, and shall sign the ballot and indicate along with his or her name the number of acre-feet allotted to the lands owned by the elector casting the ballot.

Sec. 5. Canvass of returns—organization of district. The said board of county commissioners shall meet on the first Monday next succeeding such election and proceed to canvass the returns thereof; and if, upon such canvass, it appears that a majority of the votes cast at said election are "Water conservation district.....yes," the board shall by an order entered on their minutes, declare such territory duly organized as a water conservation district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest number of votes for such several offices to be duly elected to such office. The said board shall within a reasonable time thereafter, cause a copy of such order, including a list and plat of the lands of said district, with water allotment, to be filed for record in the office of the county clerk of the county in which the petition is filed and certified copy with the county recorder of each county in which any portion of such lands are situated, and no board of county commissioners of any county including any portion of such district, shall after the date of organization of such district, allow another district to be formed including any of the land of such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete and the officers thereof shall immediately enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are elected and qualified. No filing or recording fees shall be charged for filing or recording any instruments required to be filed or recorded under this section.

Sec. 6. Regular election of district—official bond—fiscal agents. The regular election of said district, for the purpose of electing a board of directors, shall be held on the first Tuesday after the first Monday in



December of the year next succeeding the year in which the election for organization was held and annually thereafter, at which time one director shall be elected for a term of three years. Provided, that at the first election held for the organizing of district, to choose the first board of directors, three directors shall be elected and the person having the highest number of votes shall continue in office for the full term of three years from the first day of January of the year following, the next highest two years from the first day of January of the year following, and the third highest one year from the first day of January of the year following. But if two or more persons have the same number of votes then their term shall be determined by lot, under the direction of the clerk of the county wherein the organization of the district shall have been effected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the county clerk, of the county wherein the organization was effected, and on the 1st day of January following shall assume the duties of their respective offices. Each member of the board of directors shall execute an official bond in the sum of three thousand dollars (\$3,000.00), which bond shall be approved by the clerk of the county wherein such organization was effected, and shall be recorded in the office of the said county clerk, the premium on such bonds to be paid by the district. All official bonds herein provided shall be in the form prescribed by law for official bonds for county officials, except that the obligee named in said bonds shall be the district; they shall be filed with the county clerk at the same time as the filing of the oath herein prescribed; provided, that in case any district organized under this Act is appointed fiscal agent of the United States or by the United States is authorized to make collections of money for and on behalf of the United States, in connection with any federal project, each such director shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office, and the district shall execute a further and additional bond for the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization. Such additional official bonds to be filed as other official bonds hereinabove provided and any such additional official bond may be sued upon by the United States or any person injured by the failure of any such director or of the district to fully, promptly and completely perform their respective duties.

Sec. 7. Office location—pre-election proceedings. The office of the board of directors shall be located in the county where the organization was effected. Fifteen days before any election held under this Act, subsequent to the organization of the district, the secretary, who shall be appointed by the board of directors, shall cause notice, specifying the

polling places of each precinct, to be posted, in a public place in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place in said county to be determined by said board. Prior to the time for posting the notices, the board must appoint for each polling place, from each precinct, from the electors thereof, three judges, one of whom shall act as clerk, who shall constitute a board of election for each such polling place. If the board fails to appoint a board of election, or the members appointed do not attend the opening of polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of any absent member thereof. The board of directors must, in its order appointing the board of election, designate the hour and the place in the precinct where the election must be held, provided that if there be no suitable polling places within any precinct, then said board may designate polling places outside of such precinct. Candidates for the office of director shall each within 20 days prior to the time set for the election of directors, file with the secretary of the district, a certificate of nomination containing his name and address together with the endorsement of 10 landowners qualified to vote within the precinct. It shall be the duty of the secretary to include on the official ballot, and in all notices of election, the names of all candidates whose certificate of nomination has been executed and filed in accordance with the provisions hereof.

Sec. 8. Conduct of election. One of the judges shall be chairman of the election board and may: First, administer all oaths required in the progress of an election. Second, appoint judges and clerks, if during the progress of the election any judge or clerk ceases to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at 7 o'clock in the morning of election and be kept open until 7 o'clock p. m. of the same day. It shall be the duty of the clerk of the board of election to forthwith deliver the returns duly certified to the board of directors of the district.

Sec. 11. Organization of board—powers, duties, proceedings—contracts with the United States—eminent domain—bonds. The directors having duly qualified, shall organize as a board, elect a president from their number and appoint a secretary. The secretary shall execute a bond, in favor of the district, in form and amount prescribed by said board. The board shall have power, and it shall be its duty, to adopt a seal, manage and conduct the affairs and business of the district, make and execute all

necessary contracts, employ such agents, attorneys, officers and employees as may be required, and prescribe their duties. The board shall establish boundaries of election precincts and may change the same, but no such change shall be made less than thirty days prior to an election. Upon the completion of the organization of the district and before any bond issue or contract is voted on, any assessment levied, or toll or charge imposed, the board of directors having first determined the amount of water available for the use of the district, shall on such notice and hearing and under such rules and regulations as the board may determine make a final revision and allotment of the available water to each forty acre tract or smaller tract in separate ownership within each such legal subdivision; provided that no allotment shall be increased above the amount originally allotted by the state engineer without the consent of the state engineer; provided further that such final allotment may not thereafter be decreased as long as there may be any outstanding indebtedness in excess of 2 per cent of the assessed valuation of the lands within said district; such allotment may, however, be increased to an amount not exceeding the amount allotted by the state engineer should the additional amount of water become available for the use of the district. Such final allotment shall be the basis for all assessments, tolls and charges levied against the land and shall also thereafter be the basis of the vote at all elections. A copy of the order making such allotment or any increase thereof as herein provided, certified to by secretary of the district shall be immediately filed for record in the office of the county clerk of the county in which the office of the district is located and a certified copy filed with the county recorder of each county in which any lands of the district are situated. Nothing in this Act, however, shall prohibit the state engineer, upon petition by the board of directors after the organization of the district has been perfected, from increasing the maximum allotment of water for any tract or tracts of land embraced within the district when in the opinion of the state engineer said tract or tracts of land cannot be beneficially irrigated with the amount of water allotted. The board of directors shall have the power to construct or may acquire by contract, purchase, condemnation, or otherwise, canals, ditches, reservoirs, reservoir sites, irrigation systems or works and lands necessary or incidental to the use and operation of irrigation works and reservoir sites, which lands may be leased when the leasing thereof will not interfere with their use for irrigation purposes, and also water filings, water rights, rights of way, or other property or any interest therein, including power plants when acquired or developed in connection with an irrigation system with the right to sell or dispose of the surplus power therefrom. The board shall also have the right to purchase stock of irrigation, canal and reservoir companies. The board may exchange bonds of the district for any such property upon such terms and conditions as the board may deem best, subject, however, to the



approval of the state board of certification. The board, its agents, and employees, shall have the right to enter upon any land in the district, to make surveys and to locate and construct any canal or canals, and the necessary laterals. Said board shall have the right by condemnation to acquire rights of way for the enlargement of any ditches, canals, or reservoirs, provided that said board shall not have the right to occupy the premises proposed to be condemned pending the determination of suit, except upon filing such bond as is required by law in the case of suits by other corporations and individuals. The right of way is hereby given, dedicated, and set apart, to locate, construct and maintain said works, or reservoirs, over, through or upon any of the lands which are now, or may be the property of the state. The board may make such investigations and, based thereon, such representations and assurances to the secretary of the interior, as may be requisite under the act of congress, approved August 11, 1916, and may enter into any obligation or contract with the United States for the construction or operation and maintenance of the necessary works for the delivery and distribution of water therefrom or for the assumption, as principal or guarantor of indebtedness to the United States on account of district lands, or for the temporary rental of water under the provisions of the federal reclamation act, and all acts amendatory thereof, or supplementary thereto, or any other acts of congress now enacted or which may hereafter be enacted, and the rules and regulations established thereunder; or the board may contract with the United States for a water supply under any act of congress providing for or permitting such contract, and may convey to the United States as partial or full consideration therefor water rights or other property of the district, and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States at 95 per cent of their par value to the amount to be paid by the district to United States under any such contract, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited, it shall be the duty of the board of directors to include as part of any levy or assessment now provided for by law, an amount sufficient to meet each year all payments accruing under the terms of any such contract and the board may accept on behalf of the district, appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of moneys for or on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized so as to act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and

all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto. Districts co-operating with the United States may rent or lease water, to private lands, entrymen, or municipalities, in the neighborhood of the district, in pursuance of contract with the United States. If contract is proposed to be made with the United States and bonds are not to be deposited with the United States in connection therewith, the question to be submitted to the voters at a special election is whether or not contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest, and the water rights and other property, if any, to be conveyed to the United States as in this section provided. The ballots for such election shall contain the words "Contract with the United States—Yes" and "Contract with the United States—No," or words equivalent thereto. If a majority of the votes cast at such election are "Contract with the United States—Yes," the board of directors shall immediately enter into such contract with the United States. The board shall establish equitable rules and regulations for the distribution and use of water among the owners of lands included in this district, and may provide therein that no water shall be delivered to lands which are delinquent or in default in the payment of any toll, charge, tax or assessment. The said rules and regulations shall, as soon as adopted, be printed in convenient form for distribution in the district; provided, however, that water, the right to the use of which is acquired by the district under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of congress and rules and regulations and the provisions of said contract in relation thereto.

The board of directors shall have power to lease or rent the use of water not needed by the landowners of said district, or contract for the delivery thereof to occupants of other lands within or without said district, at such prices and on such terms as they may deem best; provided, that no lease or rental agreement running for a period of more than five years shall be made, and no vested or prescriptive right to the use of such water shall attach to said land by virtue of such lease or such rental; and, provided, also that any landowner in said district may, where practicable, with the consent of the board of directors assign the right to the whole or any portion of the water so apportioned to his land for any one year to any other bona fide landowner, for use in the district for said year, provided such landowners shall have paid all amounts due on assessments, upon such lands. The board shall generally perform all such acts and have all such powers as shall be necessary fully to carry out the purposes of this act. The board of directors shall by

resolution prescribe the dates for holding regular meetings and shall also hold such special meetings as may be required for the proper transaction of business. A special meeting may be called by a written request of ten or more of the electors of said district, addressed to the president of the board of directors, or by the president of the board, or by any two directors. All meetings of the board must be public; and two members shall constitute a quorum for the transaction of business; and on all questions requiring a vote, there shall be a concurrence of at least two members of said board. All records of the board shall be open to the inspection of any landowner during business hours. The board shall at the end of each fiscal year prepare and submit to a public meeting, of the landowners within the district, called for that purpose, a report covering all transactions and operations of the district during the year.

Sec. 15. Sale of bonds—use of funds. The board may sell bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction or purchase of canals, reservoir sites, reservoirs, water rights and works, stock and irrigation, canal or reservoir companies, and otherwise fully to carry out the objects and purposes of this Act. Before making any sale the board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given by publication thereof at least twenty days in any daily newspaper published in the city of Salt Lake, and in any other newspaper at their discretion. The notice shall state that sealed proposals will be received by the board at its office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, or may reject all bids provided that no proposal shall be accepted which is not accompanied by a certified check for at least ten per cent (10%) of the amount of the bid to apply on the purchase price of the bonds, the amount of which check shall be forfeited if after the acceptance of the proposal the bidder shall refuse to accept said bonds and complete his purchase of the bonds on the conditions stated in his proposal. In case no bid is made and accepted as above provided the board of directors, subject to the approval of the state board of certification is hereby authorized to use said bonds for the purchase of canals, reservoir sites, reservoirs, water rights and works, stock of irrigation, canal, or reservoir companies; or for the construction of any canal, reservoir and works or otherwise fully to carry out the purposes of this Act; provided that bids for all such construction work are first called for in accordance with Section 22 hereof. The board shall make no sale of bonds either at public or private sale, or use said



bonds for payment of construction work for less than the amount authorized by the state board of certification.

**Sec. 22. Construction—notice—awarding contracts—contractors' bonds.** After adopting a plan for the construction of canals, reservoirs, and works, the board of directors shall give notice thereof as provided in Section 2 of this Act, and such other notice as they may deem advisable calling for bids for the furnishing of material or construction of said work or any portion thereof. If less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications may be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and the place for opening the proposals, which at said time and place shall be opened in public, and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or it may reject any or all bids, and may thereupon readvertise for proposals, or proceed to construct the work under its own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for not less than 25 per cent of the amount of the contract price and conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer in charge, and be approved by the board, and shall be paid for out of the general fund account; provided, that the provisions of this section shall not apply in the case of any contract between the district and the United States. Nothing herein contained shall be construed to prohibit the district from purchasing material or doing any work required by it without the letting of a contract where the estimated cost of such work does not exceed \$3,000.00, or in cases of emergencies the board of directors may cause such work to be done by the district itself.

**Sec. 24. Tolls, charges, assessments—collection of same.** For the purpose of defraying the expenses of the organization of the district, and the construction, care, operation, management, repair and improvements of all canals, ditches, reservoirs and works, including salaries of officers and employees, or for the payment of charges to the United States for any of said purposes, or for rental of water, the board may either fix rates of tolls and charges and collect the same from all persons using said canal and water for irrigation, or other purposes, or in the case of such charges to be paid to the United States the same shall be collected from lands for which water service can be made, pursuant to contract with the United States, and in addition thereto may provide, in whole or in part,

for the payment of such expenditures by levy of assessments therefor, as heretofore provided, or by both tolls and assessments, provided that if contract be made with the United States the charges for operation and maintenance or rental, as the case may be, may be fixed in accordance with the federal laws, notice and rules, and the contract with the United States; provided, further, that in case the money raised by sale of bonds issued be insufficient, or in case bonds be unavailable for the completion of the plans by causing to be levied assessments for the completion in the same manner in which levy of assessments is made for the other purposes provided for in this Act. All tolls and charges other than regular assessments levied by the board of county commissioners of the counties in which any portion of the district is situate shall be collected by the secretary of the district and shall be by him remitted to the district treasurer with a statement designating the funds to which such moneys shall be credited.

Sec. 26. **Debt limit—interest on warrants.** The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; provided, however, that the district shall assume the expense incurred in its organization and may incur additional indebtedness for the conduct of its business until bonds are sold or returns from first district taxes are received, which additional indebtedness, together with such expense assumed, shall not exceed \$3.00 per acre of land embraced within the district; such indebtedness shall be the general obligation of the district and the board of directors may cause warrants or notes of the district to issue therefor, bearing interest not exceeding 7 per cent per annum. Said warrants or notes shall be payable not later than the 1st day of January following the receipt of the first district taxes levied and collected and the board of directors of the district shall include in their first annual budget for the ensuing year the amount necessary to liquidate all such outstanding warrants, or notes.

Sec. 41. **Hearings by board—assent.** The board of directors at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause as aforesaid why the prayer of said petition should not be granted. The filing of such petition with such board as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part of said lands.

**Sec. 42. Exclusion of lands, when—contracts with the United States.** The board of directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if there are no outstanding bonds of the district, then the board may order the lands mentioned in the petition, or some defined portion thereof, excluded from the district; provided, however, that the board shall require as a condition precedent to the granting of such petition that the petitioners shall severally pay to such district their pro rata share of the outstanding obligations and indebtedness of the district provided, if within thirty days from the making of such order a majority of the landowners of the district protest in writing to said board against the exclusion of such lands from said district, said order shall be held for naught and such lands shall not be excluded therefrom; provided, further, that in case contract has been made between the district and the United States, no lands shall be excluded from said district unless the United States shall assent thereto in writing and such assent be filed with the board of directors.

**Sec. 47. Special proceedings for judicial examination.** The board of directors of a water conservation district organized under the provisions of this Act may commence special proceedings, in and by which all proceedings had in the organization of the district or in and by which its acts and the acts of the district in authorizing the issue and sale of the bonds of said district or providing for the authorization of contract with the United States and the validity of such contract, whether said bonds or any of them have or have not been sold or disposed of, or such contract or proposed contract shall or shall not have been actually signed by the United States or the district, may be judicially examined, approved and confirmed.

**Sec. 48. Petition for confirmation.** The board of directors of a water conservation district shall file in the district court of the county in which the lands of the district, or some portion thereof, are situate, a petition praying, in effect, that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition in case bonds or a contract with the United States has been authorized shall state the facts showing the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States, as the case may be, and shall state generally that the water conservation district was duly organized, and that the first board of directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.



Sec. 49. **Notice—contest—time for hearing.** The court shall fix the time for the hearing of said petition and shall order the clerk of the court to give and publish notice of the filing of said petition. The notice shall be given and published as in Section 2 of this Act provided. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petitioners, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, or in the making of contract with the United States, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of..... water conservation district (giving its name) praying that the proceedings for the issue and sale of said bonds of said district, or that the proceedings for the authorization of contract with the United States, or the proceedings had for the organization of said district and the validity thereof, be examined, approved and confirmed by the court.

Sec. 51. **Findings and decree—costs.** Upon the hearing of such special proceedings the court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner in this Act prescribed, and shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of said Act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order of the sale and the sale thereof, and all of the proceedings, if any, for the authorization of contract with the United States, and the terms of said contract. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings; and the court may by decree approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. A final decree as to such proceedings shall be received as readjudicated in all courts of the state of Utah in all cases whatsoever involving the validity of such bonds and the organization of the district. The costs of the special proceedings may be allowed and apportioned between the parties, in the discretion of the court.

Approved March 17, 1921.

## CHAPTER 74.

Senate Bill No. 2. Art. IX, Sec. 4, Const. Utah; Compiled Laws, 1917, p. 787  
(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

## LEGISLATIVE APPORTIONMENT DISTRICTS.

An Act to designate the senatorial and representative districts of the state of Utah for the purposes of representation in the state legislature, fixing the boundaries of said districts and the number of senators and representatives to be elected from each such district.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Apportionment of state senators. Representation in the senate of the state of Utah shall be on a basis of one senator for each twenty-five thousand inhabitants or major fraction thereof residing within such senatorial district, providing that each senatorial district shall be entitled to at least one senator. Until otherwise provided by law, the number, boundaries and senatorial representation from such districts shall be as follows:

First district, Box Elder county, one senator.

Second district, Cache county, one senator.

Third district, Rich, Morgan, Summit, Wasatch and Daggett counties, one senator.

Fourth district, Weber county, two senators.

Fifth district, Duchesne and Uintah counties, one senator.

Sixth district, Salt Lake county, six senators.

Seventh district, Utah county, two senators.

Eighth district, Juab and Millard counties, one senator.

Ninth district, Sanpete county, one senator.

Tenth district, Sevier, Wayne, Piute, Garfield and Kane counties, one senator.

Eleventh district, Beaver, Iron and Washington counties, one senator.

Twelfth district, Emery, Carbon, Grand and San Juan counties, one senator.

Thirteenth district, Davis and Tooele counties, one senator.

Sec. 2. Apportionment of state representatives. Representation in the house of representatives of the state of Utah shall be on the basis of one representative to each ten thousand inhabitants or major fraction thereof residing within such representative district, providing that each county shall be entitled to at least one representative. Whenever a new county shall be formed, such new county shall be entitled to one representative, providing that the organization of such county shall have been completed at least sixty days prior to the general election at which such representatives are elected. Until otherwise provided by Act of the legislature, the number, boundaries and representation of such representative districts shall be as follows:

First district, Box Elder county, two representatives.

Second district, Cache county, three representatives.

Third district, Rich county, one representative.

Fourth district, Weber county, four representatives.

Fifth district, Morgan county, one representative.

Sixth district, Davis county, one representative.

Seventh district, Tooele county, one representative.

Eighth district, Salt Lake county, sixteen representatives.

Ninth district, Summit county, one representative.

Tenth district, Wasatch county, one representative.

Eleventh district, Utah county, four representatives.

Twelfth district, Uintah county, one representative.

Thirteenth district, Juab county, one representative.

Fourteenth district, Sanpete county, two representatives.

Fifteenth district, Carbon county, two representatives.

Sixteenth district, Emery county, one representative.

Seventeenth district, Grand county, one representative.

Eighteenth district, Sevier county, one representative.

Nineteenth district, Millard county, one representative.

Twentieth district, Beaver county, one representative.

Twenty-first district, Piute county, one representative.

Twenty-second district, Wayne county, one representative.

Twenty-third district, Garfield county, one representative.



Twenty-fourth district, Iron county, one representative.

Twenty-fifth district, Washington county, one representative.

Twenty-sixth district, Kane county, one representative.

Twenty-seventh district, San Juan county, one representative.

Twenty-eighth district, Duchesne county, one representative.

Twenty-ninth district, Daggett county, one representative.

Sec. 3. Senator for third district to continue as from thirteenth district—election in third district. The senator elected in the third senatorial district at the election in 1920 shall continue in office during the term for which he was elected as the senator for the thirteenth senatorial district, and the electors of the third senatorial district shall at the general election to be held in the year 1922 elect a senator.

Approved March 17, 1921.

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## CHAPTER 75.

House Bill No. 179.

Comp. Laws, 1917, p. 806; Laws, 1919, p. 249.

(Passed March 8, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### UTAH SOLDIER SETTLEMENT FUND.

An Act to repeal Chapter 74, Session Laws of Utah, 1919, relating to "Utah soldier settlement" funds.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Chapter repealed. Chapter 74 of the Session Laws of Utah, 1919, be and the same is hereby repealed.

Sec. 2. This Act shall take effect upon approval.

Approved March 10, 1921.

## CHAPTER 76.

House Bill No. 242.

Compiled Laws, 1917, p. 806; Laws, 1919, p. 249.

(Passed March 8, 1921. Approved March 10, 1921. In effect March 10, 1921.)

## UTAH SOLDIER SETTLEMENT FUND.

An Act providing for the issuance and disposal of state bonds, and appropriating the proceeds of the sale thereof for the purposes authorized by "the Utah soldier settlement Act," and providing a fund for the payment of interest on and the redemption of said bonds.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Loan for Utah soldier settlement fund. The state board of loan commissioners is hereby authorized to provide for and negotiate, as needed for the purpose of this Act, provided, a loan for the state in the sum of \$250,000.00 by issuing negotiable coupon bonds of this state therefor under rules and regulations not in conflict herewith to be prescribed by said board; said bonds to bear interest at the rate to be fixed by said board, not exceeding  $5\frac{1}{2}$  per cent per annum, interest payable semi-annually on the 1st day of January and July of each year; said bonds shall be signed by the governor and secretary of state; have the great seal of the state affixed, and be countersigned by the state treasurer. The state auditor shall keep a record of the bonds issued in a book to be kept by him for that purpose and may keep a transfer register therefor. Such bonds shall not be sold for less than their par value and accrued interest. Said bonds shall run not longer than forty years, and the faith and credit of the state is hereby pledged for their payment and for the payment of the interest accruing thereon.

Sec. 2. State bonds therefor. The state board of loan commissioners is hereby authorized to provide the necessary engraved bonds to carry out the provisions of this Act, and the expense thereof, and all other necessary and incidental expenses incurred by said board in the preparation and negotiation of said bonds shall be paid out of the funds appropriated in the Utah Soldier Settlement Act for carrying said Act into effect, upon the approval of the state board of examiners.

Sec. 3. State warrants to be drawn for interest. The state auditor shall draw his warrant on the state treasurer for the amount of interest which shall fall due on the 1st day of January and July of each year, which said interest warrant or warrants shall be drawn at least ten days prior to the maturing of the interest, and such sums as may be necessary is hereby appropriated and set aside from the general fund of the state, the Utah

soldier settlement fund, or from such other fund as may be provided by law for use from year to year to pay the interest upon said bonds.

**Sec. 4. Payment of bonds.** Said bonds as they become due shall be paid from any money in the Utah soldier settlement fund, or in case there is not sufficient money in said fund, there shall be set apart from the general fund of the state, sufficient money for that purpose and all moneys so paid from the general fund of the state shall, when funds are available, be returned thereto from the Utah soldier settlement fund, or refunding bonds may be issued from time to time to meet the obligations of maturing bonds which refunding bonds shall bear not to exceed the same interest and run for such period or periods as the soldier settlement board may deem advisable, but not to exceed ten years from their issue.

**Sec. 5. Report to legislature.** It shall be the duty of the state board of loan commissioners to make a full report of their proceedings under the provisions of this Act to the legislature during the first week of the next session and biennially thereafter.

**Sec. 6. Bonds not taxable.** The bonds issued under the provisions of this Act shall not be taxed for any purpose within this state and the proceeds of the sale thereof shall be covered into the state treasury, and the same shall be appropriated and used exclusively for the purposes authorized in the Utah Soldier Settlement Act, and said treasurer shall pay out said moneys, so received, in the manner required by law, upon the order of the soldier settlement board, subject to the approval of the state board of examiners.

**Sec. 7. Investing fund.** The state board of loan commissioners when directed by the soldier settlement board is hereby authorized and directed to invest the Utah soldier settlement fund, when not needed for the purposes of the Utah Soldier Settlement Act, from year to year, in:

1. Soldier settlement bonds of the state of Utah,
2. United States government bonds,
3. Municipal bonds, and
4. School district bonds.

Said bonds, except bonds of the United States, shall not carry a rate of interest of less than  $5\frac{1}{2}$  per cent per annum.

**Sec. 8.** This Act shall take effect upon approval.

Approved March 10, 1921.



## CHAPTER 77.

Senate Bill No. 126.

Compiled Laws, 1917, p. 806.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## STATE DEFICIT FUND—BONDS.

An Act providing for the issuance and disposal of state bonds and appropriating the proceeds of the sale thereof for the payment of the state's general fund deficit, and providing a fund for the payment of interest and redemption of said bonds.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. State deficit bonds. The state board of loan commissioners is hereby authorized to provide for and negotiate a loan for the state in the sum of one-half million dollars, by issuing negotiable coupon bonds of this state therefor, under rules and regulations not in conflict herewith, to be prescribed by said board; said bonds are to bear interest at a rate to be fixed by said board of loan commissioners not exceeding five and one-half ( $5\frac{1}{2}$ ) per cent per annum; interest payable semi-annually on the first day of January and July in each year; said bonds to be signed by the governor and the secretary of state; to have the great seal of the state affixed and be countersigned by the state treasurer and registered by the state auditor in a book to be kept by him for that purpose. Said bonds shall not be sold for less than their par value and accrued interest; said bonds shall run not longer than twenty (20) years and the faith and credit of the state is hereby pledged for their payment and for the payment of the interest accruing thereon.

Sec. 2. Engraving and issuing bonds. The state board of loan commissioners is hereby authorized to provide the necessary engraved bonds to carry out the provisions of this Act and the expense thereof and all other necessary expenses incurred by said board in the appropriation [preparation] and the negotiation of said bonds, shall be paid out of the general fund of the state upon the approval of the state board of examiners. Before the issuance of said bonds the state treasurer shall give to the state of Utah an additional bond with sureties as provided by law in the sum of \$125,000.00, which bond shall be approved by the board of examiners and deposited and filed with the secretary of state and the state treasurer shall stand charged upon said bond and upon his official bond for the faithful performance of such duties as are required of him under the provisions of this Act or that may be prescribed by the said board of loan commissioners.

Sec. 3. **State warrant for interest.** The state auditor shall draw his warrant on the state treasurer for the amount of interest which shall fall due on the first day of January and July of each year, which said interest warrant or warrants shall be drawn at least ten days prior to the maturing of the interest and such sum as may be necessary is hereby appropriated and set aside from the general fund of the state.

Sec. 4. **Redemption fund.** During the year 1925 and annually thereafter for the period of sixteen years, there shall be and there is hereby set apart and appropriated from the general fund of the state the sum of \$31,250.00, to be drawn on the warrant of the state auditor to pay the principal of said bonds as the same fall due; said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds.

Sec. 5. **Report to legislature.** It shall be the duty of the state board of loan commissioners to make a full report of their proceedings under the provisions of this Act to the legislature during the first week of the next session and biennially thereafter.

Sec. 6. **Bonds not taxable—use of funds.** Bonds issued under the provisions of this Act shall not be taxable for any purpose within this state and the proceeds of the sale thereof shall be covered into the state treasury and the same shall be appropriated and used exclusively for the purpose of paying deficits incurred by the state during the last preceding biennium. The state treasurer shall pay out such money so received in the manner required by law at the order of the state auditor, subject to the approval of the state board of examiners.

Sec. 7. **Investing sinking fund.** The state board of loan commissioners is hereby authorized and directed to invest the sinking fund from year to year in United States government bonds, county bonds, municipal bonds, school district bonds, irrigation or drainage district bonds authorized by the irrigation district and drainage district laws of the state. Said bonds shall carry a rate of interest of not less than  $4\frac{1}{4}$  per cent per annum.

Sec. 8. This Act shall take effect upon approval.

Approved March 17, 1921.

## CHAPTER 78.

House Bill No. 131.

Compiled Laws, 1917, p. 809; Laws, 1919, p. 252.

(Passed March 4, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## ASSISTANT ADJUTANT GENERAL.

An Act amending Section 1, Chapter 75, Session Laws of Utah, 1919, so as to provide that the officer of the National Guard of the state of Utah designated as property and disbursing officer of the United States in Utah, shall also be assistant adjutant general.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 1, Chapter 75, Session Laws of Utah, 1919, be and the same is hereby amended to read as follows:

Sec. 1. Assistant adjutant general—duties—federal property in his care. The governor shall designate an officer of the national guard, subject to the approval of the secretary of war, as property and disbursing officer of the United States in Utah. Such officer shall also be and shall perform the duties of assistant adjutant general of the state of Utah. Such officer as assistant adjutant general, shall perform such duties as may be designated by the adjutant general. Such officer shall receive and account for all funds and property belonging to the United States in the possession of the National Guard, and shall make such returns and reports concerning same as may be required by the secretary of war. Such officer shall render, through the war department, such accounts of federal funds entrusted to him for disbursement as may be required by the treasury department. Before entering upon the performance of his duties as property and disbursing officer, he shall be required to give good and substantial bond to the United States, the amount thereof to be determined by the secretary of war, for the faithful performance of his duties, for the safe keeping and proper disbursing of the federal property and funds entrusted to his care.

Approved March 10, 1921.



## CHAPTER 79.

House Bill No. 219.

Compiled Laws, 1917, p. 809.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## G. A. R. ENCAMPMENT FUND.

An Act to provide a permanent fund for the annual regular and contingent expenses of the department of Utah of the Grand Army of the Republic, including expenses for the annual encampments and the printing of the proceedings thereof, and providing funds for the department commander to attend the annual national encampment, and the payment of reasonable compensation for services of the assistant adjutant general of the department of Utah, whose services are continuous while holding such position.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. G. A. R. encampment fund. For the purposes of providing a permanent annual fund for the regular and contingent expenses of the department of Utah of the Grand Army of the Republic, including the annual encampments and the printing of the proceedings thereof, and providing funds for the department commander to attend the annual national encampments, and for reasonable compensation for the services of the assistant adjutant general of the department of Utah, whose services are continuous while holding such position, there is hereby appropriated and set aside annually for that purpose, the sum of fifteen hundred dollars (\$1500.00), out of any moneys in the state treasury not otherwise appropriated.

Sec. 2. Request for funds. The assistant quartermaster general of the department of Utah of the Grand Army of the Republic, shall present his written request for such sum in quarterly payments to the state auditor, who shall draw his warrant on the state treasurer for such quarterly sums.

Sec. 3. Bond of disbursing officer—action thereon. The department of Utah of the Grand Army of the Republic shall require the assistant quartermaster general to give a good and sufficient bond in the sum of two thousand dollars (\$2,000.00), running to the council of administration of the department of Utah for the faithful performance of his duties, signed and executed by good and sufficient sureties, as provided by law. Such bond shall be filed with the auditor of the state of Utah, who may bring an action on said bond in the name of the state of Utah, should the said quartermaster general, or the council of administration fail to perform their respective duties concerning said appropriation.

Sec. 4. This Act shall take effect upon approval.

Approved March 17, 1921.

## CHAPTER 80.

House Bill No. 16.

Compiled Laws, 1917, p. 838.

(Passed January 28, 1921. Approved February 4, 1921. In effect May 10, 1921.)

## STORAGE OF POWDER IN MINES.

An Act amending Section 3944, of the Compiled Laws of Utah, 1917, relating to storage of powder at metalliferous mines.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 3944, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

3944. Storage of powder at metalliferous mines. It shall be unlawful for any mining company, corporation, or individual mine owner employing more than four men at any one time to have stored at any shaft house, or covering over any adit, incline, or tunnel connected with a metalliferous mine, any powder or other high explosives whatever; or to have stored within the underground workings, stopes, or drifts of any such mine, at any one time, more than enough powder or other high explosives to do the work for each twenty-four hours, without first having obtained written permission from the industrial commission of Utah. Any violation of this section shall be punished by a fine of not less than \$100, nor more than \$1,000.

Approved February 4, 1921.

## CHAPTER 81.

Senate Bill No. 14.

Compiled Laws, 1917, p. 841; Laws, 1919, p. 260.

(Passed March 8, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## MOTOR VEHICLES, GARAGES, ETC.

An Act to regulate the placing of identification numbers on vehicles and prohibiting the defacing, obliterating or removing of such numbers on vehicles; to provide for the registration, transfer of ownership, inspection and issuing of number plates for vehicles; to provide for the licensing of dealing in used vehicles and parts; to prevent the theft of vehicles and parts thereof; to provide the duties of peace officers; to amend Section 3971, Compiled Laws of Utah, 1917, and to provide additional sections numbering as follows: Section 3971x, Section 3971x1, Section 3971x2, Section 3971x3; to amend Section 3974, Compiled Laws of Utah, 1917, as amended by Section 3974, Chapter 78, Laws of Utah, 1919, and to provide additional sections numbering Section 3974x, Section 3974x1, Section 3974x2, Section 3974x3, Section 3974x4, Section 3974x5, Section 3974x6, Section 3974x7, Section 3974x8, Section 3974x9, Section 3974x10, Section 3974x11, Section 3974x12, Section 3974x13, Section 3974x14, Section 3974x15, Section 3974x16, Section 3974x17, Section 3974x18, Section 3974x19, Section 3974x20, Section 3974x21, Section 3974x22, Section 3974x23, to amend Section 3991, Chapter 78, Laws of Utah, 1919, and to provide additional sections numbering Section 3991x, 3991x1, 3991x2; and repealing Section 1, Chapter 20, Special Session Laws of Utah, 1919.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended — sections added — section repealed. Section 3971, Title 69 of the Compiled Laws of Utah, 1917, is hereby amended and additional sections provided numbering Section 3971x, Section 3971x1, Section 3971x2, Section 3971x3 are hereby enacted to read as follows; that Section 3974, Title 69, Compiled Laws of Utah, 1917, as amended by Section 3974, Laws of Utah, 1919, be and the same is hereby amended and additional sections provided numbering Section 3974x, Section 3974x1, Section 3974x2, Section 3974x3, Section 3974x4, Section 3974x5, Section 3974x6, Section 3974x7, Section 3974x8, Section 3974x9, Section 3974x10, Section 3974x11, Section 3974x12, Section 3974x13, Section 3974x14, Section 3974x15, Section 3974x16, Section 3974x17, Section 3974x18, Section 3974x19, Section 3974x20, Section 3974x21, Section 3974x22, Section 3974x23 are hereby enacted to read as follows: that Section 3991, Chapter 78, Laws of



Utah, 1919, be and the same is hereby amended and additional sections numbering Section 3991x, Section 3991x1, Section 3991x2, Section 3991x3 are hereby enacted to read as follows: and that Section 1, Chapter 20, Special Session Laws of Utah, 1919, be and the same is hereby repealed.

Sec. 3971. **Construction of words and phrases.** The words and phrases used in this Act, unless same be contrary to or inconsistent with the context, shall be construed as follows:

(a) "Vehicle"—any motor vehicle, trailer or semi-trailer as herein defined.

(b) "Motor vehicle"—any self-propelled vehicle, except such as run exclusively on rails.

(c) "Tractor"—any self-propelled vehicle, designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently.

(d) "Trailer"—any vehicle without motive power designed for carrying property or passengers wholly on its own structure and also designed for being drawn by a self-propelled vehicle, except those running exclusively on rails.

(e) "Semi-trailer"—any vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

(f) "Pneumatic tires"—tires of rubber and fabric, inflated with air.

(g) "Solid tires"—tires of rubber or similarly elastic material that do not depend on confined air for the support of the load.

(h) "Solid tire vehicle"—any vehicle equipped with two or more solid tires.

(i) "Manufacturer"—a person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers, or semi-trailers as a regular business.

(j) "Dealer"—any person, firm, corporation or association engaged in the purchase and sale of motor vehicles, trailers or semi-trailers, or in the leasing of the same for a period of thirty (30) or more successive days.

(k) "Importer"—any person, firm, corporation or association engaged in the importation of new motor vehicles, trailers or semi-trailers from foreign countries for sale in the United States.

(l) "Used vehicle"—a motor vehicle, trailer or semi-trailer which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer, importer, dealer or the agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

(m) "Rebuilt vehicle"—a motor vehicle, trailer, or semi-trailer which shall have been assembled by using new parts, and used parts derived from other motor vehicles, trailers or semi-trailers, all of the same make, and constructed by the manufacturer thereof, or his agent. Such rebuilt vehicle for the purpose of this Act shall be considered a new motor vehicle, trailer or semi-trailer.

(n) "Person"—any individual or individuals of either sex, and any firm, co-partnership, corporation, association or artificial body of any kind or character whatsoever.

(o) "Owner"—any person, firm, corporation or association holding title to a motor vehicle, trailer or semi-trailer, or any person, firm, corporation or association having the lawful use or control of same under a lease, conditional-sale agreement or otherwise for a period of thirty (30) or more successive days.

(p) "Chauffeur"—an operator for hire.

(q) "Highway"—any public thoroughfare for vehicles.

(r) "Garage"—every place of business where motor vehicles are received for housing, storage or repair for compensation.

Sec. 3971x. Must have manufacturer's number. No vehicle shall be sold or registered unless it shall have cut, impressed or embossed on some portion thereof a manufacturer's serial or motor number.

Sec. 3971x1. Statement of owner of vehicle with obliterated number—may get special identification number, when. Any person who has in his possession any vehicle from which the manufacturer's serial or identification number has been removed, defaced or obliterated or changed shall forthwith file with the secretary of state a sworn statement describing such vehicle and showing the source of his title, and, if known, the reason for such removal, defacement, obliteration or change. If satisfied as to the facts, the secretary of state may grant permission to cut or carve into the motor or frame of such vehicle or into the frame of a trailer or semi-trailer a special identification number, provided by said secretary of state, which number shall thereafter be deemed sufficient for the purpose of registration of such vehicle.

Sec. 3971x2. Obliteration, change, etc., of number or trade mark forbidden. It shall be unlawful and it is hereby forbidden for any person

to remove, deface, alter, change, destroy or obliterate, or in any manner whatsoever cause to be removed, defaced, altered, changed, destroyed or obliterated, any trade-mark, manufacturer's number, identification number, or serial number on or from any such vehicle, unless such person shall apply for and secure a written permit from the secretary of state.

Sec. 3971x3. Possession of vehicle with obliterated or defaced, etc., number, unlawful. It shall be unlawful and it is hereby prohibited for any person to have in his possession any vehicle, or any part or parts thereof, from which any trade-mark, distinguishing or identification number, manufacturer's number or serial number has been or is removed, defaced, destroyed or obliterated, or so covered as to be concealed, or where such trade-mark, distinguishing or identification number, manufacturer's number or serial number has been or is altered or changed in any manner whatsoever. Such possessor shall be prima facie presumed to have knowledge thereof, and the burden of proof shall rest upon such person to show that he had no such knowledge.

Sec. 3974. Inspected vehicle to have distinctive number—loss of number plate, report—transfer terminates registration. Upon receipt of the application showing inspection of the vehicle as hereinafter provided, the affidavits of ownership hereinafter provided, and the payment of the required fee, the secretary of state shall file the application and affidavits, register the vehicle, assign to it a distinctive number, and make the same a matter of record in his office; provided, that the secretary of state shall preserve in his office for the period of three years all applications for the registration of vehicles, and chauffeurs filed therein under the provisions of this title. At the expiration of three years all applications, affidavits and other records in this Act specified accumulating in said office during said period that may be considered of no value by the secretary of state may be destroyed. He shall also furnish without further cost a number plate in duplicate, showing thereon the number designated to such vehicle. The figures of the number plate shall be Arabic in character, followed by the letter "U," which figures and letters shall be at least four inches high, and the stroke thereof at least one-half inch wide; provided, that the number plates used for motorcycles may be of such other size and design as may be practicable. The number plates shall be of uniform series, numbered consecutively beginning with the figure "1," and shall be of different and distinctive color for each year. They shall be issued in numerical order, and in order of the applications. In the event of the loss or destruction of a number plate, the owner thereof shall, without delay, return the corresponding plate to the secretary of state and upon making affidavit of such loss or destruction and filing an application for a new number, accompanied by a fee of \$1.00, the secretary of state shall cancel the applicant's old number and issue him a new one. Upon the transfer of ownership of a



vehicle its registration shall expire, and it shall be the duty of the original owner to notify the secretary of state immediately the name and address of the new owner or dealer, and return the registration card and license plates to the said secretary of state.

Sec. 3974x. Triplicate bill of sale—failure to make is unlawful. It shall be unlawful for any person to sell, convey, transfer or pass title to any vehicle unless he shall, at the time of such sale, conveyance, transfer or passage of title, deliver to the vendee, buyer or transferee, thereof, an affidavit in triplicate, typewritten or written in ink, sworn to and signed by the owner thereof, containing a full description of said vehicle, including the owner's name and residence, the manufacturer's name, the serial number, the engine or motor number and the state in which it was last registered, whether he acquired the title thereto by purchase or otherwise, and such other information as may be required by the secretary of state and upon forms to be furnished by said secretary of state. The original affidavit shall be retained by the vendee and the duplicate delivered to the secretary of state by the transferor.

Sec. 3974x1. Purchaser to get duplicate bill of sale; to report purchase, etc. It shall be the duty of any person who buys, purchases, procures or otherwise acquires title to any vehicle, to obtain from the vendor or transferor thereof the affidavit, in duplicate, provided for in the preceding section; and it shall be the further duty of such person to make and execute an affidavit, in duplicate, containing the name and residence of such vendee or transferee, together with the street number or postoffice address, the place of business or employment, if employed by any other person the name and address of such employer, a description of the vehicle, whether he acquired title thereto by purchase or otherwise, and such other information as may be required by the secretary of state, and upon forms to be furnished by said secretary of state.

Sec. 3974x2. Bill of transfer—executor, trustee, etc., to make in certain case. In case of the transfer of ownership of a vehicle by operation of law, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, claim and delivery, or execution sale, repossession upon default in performance of the terms of a lease, conditional sale, agreement, or otherwise than by the voluntary act of the registered owner, the affidavits hereinbefore provided for shall be signed by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the registered owner in lieu of such owner, and the transferee's application for registration shall be accompanied by a statement of the special facts in the premises, provided, that the secretary of state may, in his discretion, require from the transferee before registering such vehicle such additional information respecting such involuntary loss of ownership by the former registered owner as may be satisfactory to him.

Sec. 3974x3. **Secretary of state to prescribe forms.** The secretary of state shall prescribe the form of the affidavits hereinabove directed to be made, and shall receive from the vendee or transferee the sum of one dollar (\$1.00) for each affidavit filed in accordance with the provisions of this Act.

Sec. 3974x4. **Filings with secretary.** The vendee or transferee shall, within ten days after acquiring such vehicle, file one copy of each of said affidavits with the secretary of state, and who shall, upon request, furnish a certificate or certificates of such filing, upon payment of the fees receivable by him or similar services.

Sec. 3974x5. **Vehicle to be inspected for registration—fee.** No application for the registration of any vehicle shall be accepted by the secretary of state unless said vehicle shall have been inspected and inspection report verified under seal as herein provided. The secretary of state shall be the chief inspector and shall act without compensation and may appoint as deputies or agents the chief of police, the sheriff and deputies, county clerk, town clerk or justice of the peace in the various counties, cities and towns of the state, who shall upon application under oath being made for the registration of any vehicle, inspect said vehicle and make his record of inspection upon said application as prepared by said secretary of state and shall verify as to the truth of the facts therein set out. Each applicant for registration of a vehicle shall pay a fee of fifty cents (50c) to the deputy inspector making said inspection. Said inspector shall remit all fees collected in making said inspection once each week to the secretary of state, who shall require of said inspector bond in the sum of \$2000.00 to be filed with said secretary of state. The secretary of state shall remit to said inspector the sum of twenty-five cents (25c) for each inspection so made, provided, however, no inspector shall receive in excess of one hundred fifty dollars (\$150.00) per month.

Sec. 3974x6. **Refuse registration—when.** The secretary of state shall not register any vehicle or issue any certificate or registration thereof or number plates therefor, unless and until the owner thereof shall have complied with the provisions of this Act. If the secretary of state shall determine at any time that an applicant for registration of a vehicle is not entitled as owner thereof to such registration, the secretary of state may refuse to register such vehicle, and may for a like reason revoke such registration already acquired.

Sec. 3974x7. **Felony to take vehicle without permit—temporarily or permanently.** Any person who shall wilfully deprive the owner of any vehicle, either temporarily or permanently by taking possession of, or driving, or taking away said vehicle, or any person who shall assist in or be a party to such taking possession of, or driving, or taking away of any vehicle belonging to another and standing in any street, road, garage

or other building or place, or whoever receives, buys or conceals any vehicle knowing or having reason to believe the same to have been stolen, shall be deemed guilty of felony.

Sec. 3974x8. **Stealing or receiving any stolen, part of vehicle—misdemeanor.** Any person who, without authority from the owner, removes from any vehicle, any part or portion thereof, or anything attached thereto, or contained therein, or whoever knowingly buys, receives or has in his possession, any of such articles, or any part thereof so removed, shall be deemed guilty of a misdemeanor.

Sec. 3974x9. **Report of missing vehicle to secretary of state—report to all states.** If any vehicle is not recovered within three days after its loss or disappearance, the owner may furnish the secretary of state with a report of the theft of said vehicle, whether the same be registered or not, and whether owned in this or any other state, together with a description of the same. Said secretary of state shall make a distinctive record thereof and cause the same to be properly filed, and he shall immediately report by mail or otherwise the theft of said vehicle to all other secretaries of state, or motor vehicle commissioners of the United States, giving a complete description of the same, including the name and postoffice address of the person reporting the theft.

Sec. 3974x10. **Application for registration of stolen vehicle—action of secretary.** In the event of the receipt of an application for the registration of a vehicle previously reported as stolen, the secretary of state shall immediately notify the sheriff of the county in which said vehicle is at the time of the making of said application, and, unless registration has already been issued, shall withhold the issuing of a registration certificate, until a proper investigation shall have been made.

Sec. 3974x11. **Recovery of stolen vehicle to be reported to secretary; notice to all states—failure to report—penalty.** Whenever any owner of a vehicle previously reported as stolen shall recover the same, he shall notify the secretary of state that the same has been recovered, and it shall be the duty of the secretary of state to remove the record of such vehicle from his files or cancel such record, and to notify all the secretaries of state or motor vehicle commissioners of the United States of said recovery. Any owner failing to immediately notify the secretary of state of the recovery of a stolen vehicle within ten days after it shall be recovered shall be guilty of a misdemeanor.

Sec. 3974x12. **Record by operators of service station, garage, etc.** Any person owning, conducting, managing or operating a service station, public garage, paint shop or repair shop shall cause a record to be kept, after the manner to be prescribed by the secretary of state, of the names of any and all persons owning or having charge of any vehicle stored or



repaired by or left for repairs or other purposes at any such service station, public garage, paint shop or repair shop and such other details and information as said secretary of state shall specify. Such records shall be kept in ink or indelible pencil and shall be open to the inspection of police officers or other proper authorities and shall be retained and be available for a period of one (1) year after the entry, but not thereafter.

Sec. 3974x13. Operator of service station, etc., to give notice of obliterated or altered number. Any person owning, conducting, managing or operating a service station, public garage, paint shop or repair shop, shall immediately notify the local police authorities and the secretary of state of any vehicle whereon any numbers have apparently been altered, obliterated or removed.

Sec. 3974x14. License for dealers in tires, accessories, etc. It shall be unlawful, and it is hereby forbidden for any person to carry on or conduct in this state the business of buying, selling or dealing in used vehicles or parts thereof, including tires or accessories, unless and until he shall have received a license from the secretary of state authorizing the carrying on or conducting of such business. Such license shall be furnished annually by the secretary of state and shall expire on the 31st day of December of each year.

Sec. 3974x15. Application for license—form. The application for such license shall be in such form as may be prescribed by the secretary of state and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or co-partnership with the names and places of residence of all the members thereof, if such applicant be a firm, or co-partnership, the name and residence of the principal officers, if the applicant be a body corporate or other artificial body, the location of the place or all the places at which such business is to be carried on and conducted and said application shall contain such other relevant information as may be prescribed by the secretary of state. It shall be accompanied by an affidavit of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or persons applying for such license.

Sec. 3974x16. License certificate without charge. A license certificate shall be issued by the secretary of state to the licensee without charge in accordance with such application when the same shall be regular in form and in compliance with the provisions of this Act, and such license, when so issued, shall entitle the licensee to carry on and conduct the business

of buying, selling and dealing in used vehicles, and parts thereof, including tires and accessories.

Sec. 3974x17. **License to dealer in used vehicles, etc.—no fee.** Any person conducting the business of buying, selling or dealing in used vehicles, or parts, including tires or accessories, and having received a license therefor, shall, before removing any one or more of his places of business, apply to the secretary of state for, and obtain, a supplemental license, for which no fee shall be charged.

Sec. 3974x18. **Record by licensee.** Every licensee shall keep a book or record in such form as may be prescribed or approved by the secretary of state, in which he shall keep a record of the purchase, or receipt for the purpose of sale of all used vehicles, used parts, including tires and accessories. He shall display his license in a prominent place and may be required to post and display such other evidence of his license as the secretary of state may require.

Sec. 3974x19. **Installing new engine, report to secretary—registration—fee.** Whenever a new or used engine or motor shall be installed in a used vehicle, the person installing same shall report to the secretary of state, upon blanks to be furnished by said secretary of state, the number of the engine or motor so installed, the manufacturer's number of the chassis in which it is installed, the name and residence of the owner of said chassis, together with the state registration number thereof, and also the number of the engine or motor removed therefrom. The owner shall be required to re-register such vehicle, the former license plates and registration certificate being taken up and destroyed and new license plates and registration certificate issued for which the owner shall pay the sum of one dollar (\$1.00).

Sec. 3974x20. **Notice of intention to dismantle vehicle.** Before any person shall wreck, dismantle or dissemble any vehicle to substantially alter the form or appearance thereof, such person shall give notice in writing of the intention so to do to the secretary of state, upon forms to be furnished by said secretary of state.

Sec. 3974x21. **Deposit of fees.** The fees provided to be paid the secretary of state under this Act shall be covered by him into the state treasury in the same manner as are other fees collected by him.

Sec. 3974x22. **Report of name, etc., of lessor of garage to be made.** It shall be unlawful for any person who is the owner, lessee or tenant of any private garage, barn or any other building suitable for storing, housing or repairing of vehicles (\*) unless such person shall report the name and address of such lessor to the sheriff or chief of police within

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\*Evidently some words indicating action between lessee and lessor were intended to be used here, to give meaning in the reading of the action, but none appear in the engrossed copy of the law.

twelve hours after the renting or leasing of such private barn, garage or any other building.

Sec. 3974x23. **Penalties.** Any person violating the provisions of Section 3974x6, relating to the theft of vehicles shall be deemed guilty of a felony and shall upon conviction be punished by imprisonment for not less than ninety (90) days nor more than ten (10) years. Any person violating any of the other provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not less than thirty (30) days or more than ninety (90) days or both.

Sec. 3991. **Duty of peace officers—seizure of vehicles—deputies by secretary—bonds.** It is hereby made the duty of every police officer, every marshal, deputy marshal, or watchman of any incorporated city or town, and every sheriff, deputy sheriff, and every and all other lawful officers of any county, and every constable of any township, to arrest, within the limits of their jurisdiction, any person known personally to such officer, or upon the sworn information of a creditable witness, to have violated any of the provisions of this Act, and to immediately bring each offender before any justice of the peace or officer having jurisdiction; and seize and take possession of any vehicle on which any manufacturer's number or identification mark has been defaced, altered or obliterated; and any such person so arrested shall have the right of immediate trial, and all other rights given to any person arrested for having committed a misdemeanor. That each and every one of the officers herein named who shall neglect or refuse to carry out the duties imposed by this Act, shall be liable on his official bond for such neglect or refusal as provided by law in like cases.

The secretary of state may also appoint deputies or agents in various cities of the state for the issuance of motor vehicle license, under such regulations and restrictions as he may prescribe, such deputies or agents to serve without pay and to make weekly settlements with him for all fees collected. Also to furnish surety bond in the sum of \$2,000.00 for the faithful accounting of all fees received.

Sec. 3991x. **"Unconstitutional" clause invoked.** If any provision of this Act be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this Act.

Sec. 3991x1. **Section and Acts repealed.** Section 1, Chapter 20, Special Session Laws of Utah, 1919, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 3991x2. This Act shall take effect upon approval.

Approved March 10, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 82.

House Bill No. 105.

Compiled Laws, 1917, p. 841; Laws, 1919, p. 260.

(Passed March 4, 1921. Approved March 10, 1921. In effect April 1, 1921.)

## LICENSE AND REGULATION OF MOTOR VEHICLES.

An Act to amend Section 3973, of the Compiled Laws of Utah, as amended by Chapter 78, Session Laws of Utah, 1919, and enacting new sections 3992, 3993, 3994, 3995 and 3996, fixing the annual license fees, rate of speed, maximum wheel load, limiting widths, and prescribing regulations for traffic on state roads and bridges therefor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 3973, Compiled Laws of Utah, 1917, as amended by Chapter 78, of Session Laws of Utah, 1919, be and the same is hereby amended, and Sections 3992, 3993, 3994, 3995 and 3996 are hereby enacted to read as follows:

Sec. 3973. Classifications—registrations—fees—trailers—load plates—load limit—dealer's license. All motor vehicles other than motorcycles shall be classified into two classes to be known as passenger cars and trucks, the former to consist of all cars provided with body and seats for carrying not to exceed seven passengers only, the latter, of all cars provided with box or body for carrying more than seven persons, produce, merchandise, or freight of any kind, whether engaged [in] private or commercial business.

The annual fee for the registration of motor vehicles and motorcycles, equipped with all pneumatic tires, except as otherwise herein provided, shall be as follows: Three (\$3.00) dollars for each motor bicycle; five (\$5.00) dollars for each motorcycle; fifteen (\$15.00) dollars for each electric motor vehicle used only for pleasure purposes; ten (\$10.00) dollars for each steam propelled motor vehicle not exceeding fifteen horsepower; fifteen (\$15.00) dollars for each steam propelled motor vehicle exceeding fifteen horsepower; ten (\$10.00) dollars for each passenger motor vehicle not exceeding twenty-five horsepower; fifteen (\$15.00) dollars for each passenger motor vehicle exceeding twenty-five horsepower and not exceeding forty horsepower; and twenty (\$20.00) dollars for each passenger motor vehicle exceeding forty horsepower, and not exceeding fifty horsepower; twenty-five (\$25.00) dollars for each passenger motor vehicle exceeding fifty horsepower.

For all motor trucks, the fee shall be fixed in accordance with the following schedule:

(a) Motor trucks equipped with all pneumatic tires:

For 1	ton or less capacity.....	\$ 20.00	per annum
" 1½	tons capacity.....	25.00	" "
" 2	" " .....	30.00	" "
" 2½	" " .....	35.00	" "
" 3	" " .....	45.00	" "
" 3½	" " .....	55.00	" "
" 4	" " .....	65.00	" "
" 4½	" " .....	75.00	" "
" 5	" " .....	90.00	" "

(b) Motor trucks equipped with two or more solid rubber tires:

For 1	ton or less capacity.....	\$ 27.50	per annum
" 1½	tons capacity.....	35.00	" "
" 2	" " .....	45.00	" "
" 2½	" " .....	55.00	" "
" 3	" " .....	65.00	" "
" 3½	" " .....	80.00	" "
" 4	" " .....	100.00	" "
" 4½	" " .....	120.00	" "
" 5	" " .....	140.00	" "

(c) Motor trucks equipped with iron, steel or hard tires:

For 1	ton or less capacity.....	\$ 40.00	per annum
" 1½	tons capacity.....	60.00	" "
" 2	" " .....	80.00	" "

The license fee for each ton of load capacity above five (5) tons shall be \$50.00 in addition to the five (5) ton rate, provided that no license shall be issued for any motor truck having a greater load capacity than five (5) tons without a special permit from the municipal authorities for operation entirely within the limits of cities of the first class, and without a special permit from the state road commission. Said permit shall define and limit the streets and highways over which said heavy trucks may be licensed to operate.

For all trailers, the license fee shall be fixed in accordance with the following schedule:

(d) Trailers and semi-trailers equipped with all pneumatic tires:

For 1	ton or less capacity.....	\$ 10.00	per annum
" 2	tons or less capacity.....	15.00	" "
" 3	" " " " .....	25.00	" "
" 4	" " " " .....	40.00	" "
" 5	" " " " .....	50.00	" "

(e) Trailers and semi-trailers with two or more solid rubber tires:

For 1 ton or less capacity.....	\$ 15.00	per annum
“ 2 tons or less capacity.....	25.00	“ “
“ 3 “ “ “ “ .....	40.00	“ “
“ 4 “ “ “ “ .....	60.00	“ “
“ 5 “ “ “ “ .....	75.00	“ “

(f) Trailers and semi-trailers equipped with iron, steel or hard tires:

For ½ ton capacity.....	\$ 15.00	per annum
“ 1 “ “ “ .....	25.00	“ “
“ 2 “ “ “ .....	50.00	“ “

All vehicles except passenger cars not used for hire shall have attached to the left side thereof in some conspicuous place a load plate giving the weight of said vehicle is licensed to carry. The secretary of state shall furnish said load plate at the time of application for registration and said plate shall be of different colors each year. It shall be unlawful for any person to operate, or cause to be operated, any vehicle which shall carry a load greater than that shown on said load plate.

The manufacturer’s rated maximum load carrying capacity shall be the basis on which the above registration and license fee upon trucks and trailers shall be determined and charged, provided, that in no case shall the rated load carrying capacity be determined to be in excess of 600 pounds per inch of tire width of wheels. When the manufacturer’s load carrying capacity is not obtainable, it shall be estimated on the basis of 600 pounds per inch width of tire; in case of rubber tires said width to be measured between the flanges of the rim.

Provided that every person, firm, association or corporation engaged in the manufacture or sale of motor vehicles in this state may, instead of registering each such vehicle owned or controlled by him for purposes of exhibition and sale only, make application for a general distinguishing number upon a blank to be prepared by the secretary of state for such purpose. The fee for such registration and dealer’s license number shall be twenty-five (\$25.00) dollars per annum, but such dealer’s license number shall not entitle the purchaser to the use of such number for more than one selling agency or sub-agency except upon payment of an additional dealer’s license fee for such additional agency or sub-agency. Provided, further, that no fee shall be charged for the registration of motor ambulances, motor police patrol vehicles, motor fire engines and trucks or any motor vehicle owned or used by municipal corporations, counties, school districts, the state of Utah or the United States, but all such vehicles shall be registered and given a distinguishing number, which number shall be displayed in like manner to that provided for other motor vehicles, and provided, further, that whenever a motor vehicle or motor-



cycle is registered on or after the first day of September of any year the fee for such registration shall be one-half the amount of the annual registration fee.

**Sec. 3992. Speed limits.** Every person operating a motor vehicle on the public highway of this state, shall drive the same in a careful and prudent manner, and at a rate of speed that will not endanger the property of another, or the life or limb of any person, and shall in no event drive the same at a greater speed than as follows:

(a) Thirty (30) miles per hour if the weight of the vehicle and load is less than 6,000 pounds, and the vehicle is equipped with pneumatic tires, and twenty (20) miles per hour if such vehicle or trailer is equipped with two or more solid rubber tires.

(b) Twenty-five (25) miles per hour if the weight of the vehicle and load is more than three (3) tons, and less than four (4) tons, and the vehicle or trailer is equipped with pneumatic tires, and fifteen (15) miles per hour if such vehicle or trailer is equipped with solid rubber tires.

(c) Sixteen (16) miles per hour if the weight of the vehicle and load is more than four (4) tons and the vehicle or trailer is equipped with pneumatic tires, and eight (8) miles per hour if such vehicle or trailer is equipped with solid tires.

(d) Five (5) miles per hour if the vehicle or trailer is equipped with two or more metal tires.

**Sec. 3993. Maximum load—width—one trailer.** The total maximum load on any one wheel of any motor vehicle including the weight of the vehicle and the load it carries, shall be three and three-fourths ( $3\frac{3}{4}$ ) tons, provided, the total maximum weight of the vehicle and load shall not in any event exceed ten (10) tons, except as otherwise provided herein. The total load on any wheel of any motor vehicle shall be limited to 600 pounds per inch width of tire measured between the flanges of the rim, on all highways improved with a rigid surface such as concrete, brick or bituminous pavements on a concrete base, and, four hundred (400) pounds per inch width of tire in actual contact with the surface measured at the narrowest point of the tire on all highways having earth, gravel or similar surfaces.

The maximum width of any motor vehicle and its load shall be limited to eight (8) feet, excepting loads of loose hay, straw and similar farm products.

No commercial motor vehicle shall be used on the public highways while drawing more than one motor drawn vehicle, either trailer or semi-trailer.

Sec. 3994. **Weight on bridges.** No commercial vehicles shall be driven over a bridge in this state upon which bridge is posted in a conspicuous place a sign stating the gross weight which said bridge will carry, if the gross weight of said vehicle and load is greater than the gross weight stated on said sign. In case this section is violated, the owner of the commercial motor vehicle used in violation of this section, shall in addition to the penalty in this Act prescribed, be responsible to the state, county or municipality maintaining such bridge for any damages which may be done to such bridge by reason of such violation.

Sec. 3995. **Tractor or engine over road edge—protection.** No tractor, traction engine or other metal tired vehicle, weighing more than two (2) tons, including the weight of the vehicle and its load, shall drive up, onto, off or over the edge of any paved public highway in this state, without protecting such edge by putting down solid planks or other suitable devices to prevent such vehicle from breaking off the edges or corners of such pavement.

Sec. 3996. **Frost—load limit.** At the season of the year when the frost is leaving the ground, highway officials having proper jurisdiction, may, on definitely designated highways prohibit the operation of vehicles having a gross weight, including the weight of vehicles and load, of more than 5,000 pounds, by posting notices along such roads, provided, however, that the entire time of such embargo shall not exceed forty-five (45) days in any one year.

Sec. 2. This Act shall take effect April 1, 1921.

Approved March 10, 1921.

## CHAPTER 83.

Senate Bill No. 103.

Compiled Laws, 1917, p. 841; Laws, 1919, p. 260.

(Passed March 10, 1921. Approved March 16, 1921. In effect March 16, 1921.)

## REGISTRATION AND REGULATION OF MOTOR VEHICLES.

An Act amending Sections 3972, 3975, 3976, 3977, 3978, 3979, 3982, 3983 and 3985, Title 69, Compiled Laws of Utah, 1917, relating to the registration of motor vehicles, the issuance of registration certificates, and duplicates thereof, the issuance of number plates and designating how they shall be displayed; providing for a special signalling device for fire department, police ambulances and emergency vehicles; use and character of front and rear lights on all vehicles; traffic regulations; and enacting an additional section to be known as Section 3997.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 3972, 3975, 3976, 3977, 3978, 3979, 3982, 3983 and 3985, Title 69, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

Sec. 3972. Application for registration—contents—certificate—basis of fee. Application for the registration of a motor vehicle or motor-cycle, shall be made to the secretary of state upon blanks prepared by him for such purpose and shall be signed by the owner and verified by oath or affirmation. Such application shall contain the name, place of residence and address of applicant, together with a brief description of the vehicle to be registered, its name and the name of the manufacturer, its factory number, the character of its motive power, the amount of such motive power in figures of horsepower, the same to be determined by the formula herein mentioned, and such other additional information as the secretary of state may require. The required fee shall accompany the application. The secretary of state, on approval of such application and upon payment of the registration fee as herein provided for, shall file such application and assign to it a distinguishing number and thereupon issue to the owner a certificate of registration which shall contain the name, place of business or residence, the postoffice address of the owner and the motor or serial number and the registration number assigned. Such certificate shall be called the "registration certificate" and shall be retained by the owner until it expires or his ownership of the vehicle is terminated. For the purpose of charging fees based upon the horsepower of a motor vehicle, the following provisions shall be used: (a) In the computation of fees based on the horsepower of vehicles propelled by internal combustion engines, except motorcycles, said horse-



power shall be computed and recorded upon the following formula: Multiply the diameter of bore by the stroke, multiply by the number of cylinders, divide by  $2\frac{1}{2}$ . (b) In the computation of fees for all vehicles propelled by steam, the horsepower rating shall be based upon the system of rating adopted by the United States government. (c) For vehicles propelled by electricity the rating shall be the normal horsepower designated by the manufacturer of the electric motor or motors. When claim is made of loss or destruction of a registration certificate issued by the secretary of state under the provisions of this Act the secretary of state, if satisfied of such loss or destruction, may issue a new certificate.

Sec. 3975. Number plates, lights, etc., to be displayed. (a) Except as otherwise provided in this Act, no person shall operate or cause to be operated a motor vehicle or tractor, or cause a trailer or semi-trailer to be drawn by such vehicle upon the highways of this state unless such vehicle shall at all times have displayed thereon the number plates furnished by the secretary of state as hereinbefore provided; in case of motor vehicles and tractors, each vehicle shall display one number plate on the front and the other on the rear thereof; in case of trailers and semi-trailers, one number plate only shall be displayed on such vehicles, which shall be at the rear thereof. (b) Number plates shall be securely fastened to the vehicle so as to be plainly legible and so as to prevent said plates from swinging, and shall be at least sixteen inches above the ground. All letters, numerals, printing, writing and other identification marks upon said plates and certificates shall be kept clear and distinct and free from defacement, mutilation, grease, and other obscuring matter so that they shall be plainly visible at all times, 100 feet toward the front or rear. Instead of the ordinary rear number plate required by this section, a rear plate may be used on motor vehicles so constructed as to permit of the attachment and use therewith of a standard illuminating device for transparently illuminating such plate, but otherwise conforming to the requirement of this section, if numerals on such plate are legible for a distance of at least 100 feet in the daytime and for a like distance when transparently illuminated at night. Any person or corporation may submit to the secretary of state a device for transparently illuminating such a rear license plate. If the secretary of state is satisfied that the device so submitted can be readily attached and is adequate to so transparently illuminate such plate that the numerals thereon will be legible for a distance of at least 100 feet, he may approve the same by a certificate filed in his office and such device shall thereupon be known as a standard illuminating device. Every illuminating device used for the purpose of illuminating a rear plate as authorized by this section shall be marked or stamped "approved by the secretary of state," he shall, upon application when the number plates for a current year are issued, issue a rear number plate as provided by this section in substitution for the ordinary rear number plate issued by him thereto.

Sec. 3976. Equipment of motor vehicle, etc., on highways—county to regulate horse-drawn vehicles—spot lights. Every motor vehicle, tractor, bicycle and motorcycle when in use on the highways shall be equipped with a suitable horn or signalling device for producing an abrupt sound as a signal of warning of danger.

Every motor vehicle and tractor shall be equipped with adequate brakes in good working order.

Each police, fire department, hospital ambulance or emergency repair vehicle shall also be equipped with a siren which shall be of a type approved by the secretary of state and which shall be used only in case of necessity in emergency service. It shall be unlawful for any other vehicle to be equipped with or use such a device. Every vehicle which shall use the highways of this state and at all times during the period from a half hour after sunset to a half hour before sunrise shall be equipped with a lamp or lamps, as herein provided, of sufficient power and so adjusted and operated as to enable the operator of such vehicle to proceed with safety to himself and to other users of the highways under all ordinary conditions of highway and weather.

(a) Every motor vehicle and tractor shall have mounted on the right and left sides of the front thereof a pair of lamps of approximately equal candlepower, and every motorcycle shall have mounted on the front thereof one lamp. If said vehicles are so mechanically constructed, governed and controlled that they cannot exceed a speed of fifteen miles per hour they shall have front lamps capable of furnishing light of sufficient candlepower to render any substantial object clearly discernible on a level highway at least fifty feet directly ahead and at the same time at least seven feet to the right of the axis of such vehicle for a distance of at least twenty-five feet. If said vehicle can exceed a speed of fifteen miles per hour, then they shall have front lamps capable of furnishing light of sufficient candlepower to render any substantial object clearly discernible on a level highway at least two hundred feet directly ahead and at the same time at least seven feet to the right of the axis of such vehicle for a distance of at least one hundred feet; provided, that no front lamp capable of furnishing more than four candlepower light shall be used if equipped with a reflector, unless so designed, equipped or mounted that no portion of the beam of light when projected seventy-five feet or more ahead of the lamps shall rise above a plane forty-two inches higher than and parallel with the level surface on which the vehicle stands; and provided, further, that no electric bulb or other lighting device of a greater capacity than thirty-two candlepower shall be used, no matter how the same may be shaded, covered or obscured.

(b) Every vehicle and tractor during such times as are specified in this section, shall carry at the rear a lighted lamp exhibiting a red light plainly visible, under normal atmospheric conditions, for a distance of three hundred feet toward the rear, and so constructed and placed that the entire number plate carried on the rear of such vehicle shall be illuminated in such a manner that the number thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than one hundred feet toward the rear; excepting that a motorcycle and a bicycle may use a red reflector in lieu of a red light and shall not be required to illuminate the rear number plate. The county commissioners are hereby authorized to designate such roads where all horse-drawn vehicles shall carry at least one lighted lamp or lantern, so arranged that said lighted lamp or lantern shall be visible from the front and rear.

All spot lights used upon motor vehicles and tractors shall be so constructed or arranged that no portion of the top of the beam of light shall rise or shall be capable of being raised by any person occupying any portion of such vehicle, to a point above the level surface upon which the vehicle stands and one hundred feet directly ahead of such vehicle, except that when the beam of light is swung thirty degrees to the left or right of the straight ahead position no limitation is placed on the height to which the beam may be raised. No spot light shall be used on or attached to any vehicle other than a motor vehicle or tractor. Spot lights are lights other than headlights, the direction of which is under the control of any occupant of the vehicle.

**Sec. 3977. Trailers—other vehicles—parking—speed and passing rules.** Trailers having more than two wheels, when operated on the highways of this state, shall be connected to the towing vehicle or preceding trailer by at least one chain, in addition to the hitch-bar, of sufficient strength to hold the trailer on a hill if the hitch-bar becomes disconnected, or shall be provided with some other adequate device to prevent rolling backward down hill.

Every person operating a vehicle upon the highways of this state shall observe the following traffic rules and regulations:

(a) All vehicles not in motion shall be placed with their right sides as near the right hand side of the highway as practical, except where otherwise provided by municipal ordinance.

(b) Slow moving vehicles shall at all times be operated as close to the right hand side of the highway as practical.

(c) An operator in rounding curves shall reduce speed and shall keep his vehicle as far to the right of the highway as reasonably possible.



(d) An operator of a vehicle shall bring the same to a full stop not less than five feet from the rear of any street car or interurban train headed in the same direction which has stopped for the purpose of taking on or discharging passengers, and shall remain standing until such car has taken on or discharged said passengers, however, providing that said operator may pass such street cars where a safety zone is established by the proper authorities.

(e) Upon approaching or passing any horse or other draft animal being led, ridden or driven on the highway the operator shall at all times have the vehicle under control. If such animal shall appear to be frightened, or if the person in charge thereof shall signal by raising his hand or calling, the operator shall immediately stop his vehicle.

Sec. 3978. Passing moving vehicles—signals—right of way—crossings, etc.—vehicle carrying poles, etc.—throwing scraps, etc., into highways. An operator meeting another vehicle coming from the opposite direction on the same highway shall turn to the right and center of the highway so as to pass without interference.

An operator of a vehicle overtaking another vehicle going in the same direction and desiring to pass the same shall pass to the left thereof and shall not again drive to the right until reasonably clear of such overtaken vehicle; provided, further, that no operator shall pass a vehicle from the rear at the top of a hill or on a curve where the view ahead is in any way obscured or while the vehicle is crossing an intersecting or connecting highway. An operator of a motor vehicle overtaking and desiring to pass a vehicle shall blow his horn and the operator of the vehicle so overtaken shall promptly upon such signal, turn his vehicle as far as reasonably possible to the right in order to allow free passage on the left of his vehicle.

An operator intending to turn his vehicle to the left shall extend his arm out and beyond the side of the car in a horizontal position and slow down.

An operator intending to turn his vehicle to the right shall extend his arm out and beyond the side of the car with the forearm raised at right angles and slow down.

An operator intending to stop his vehicle shall extend his arm out and beyond the side of the car in a downward direction.

Enclosed cars or cars so constructed or equipped that the hand and arm signal cannot be given, shall be equipped with an electrical or mechanical device capable of indicating his intention to turn, stop or change his course.

An operator of a vehicle shall have the right of way over the operator of another vehicle who is approaching from the left in an intersecting

or connecting highway and shall give the right of way to an operator of a vehicle approaching him from the right at an intersecting or connecting highway.

An operator shall reduce speed at crossings, connecting or intersecting of highways, on bridges, on sharp turns and steep descents.

An operator of a motor vehicle or tractor shall sound his horn or other signalling device when approaching points on the highways where the view ahead is not clear or where the view of an intersecting or connecting highway is obstructed; provided that in no case shall such horn or signalling device be used for the purpose of making an unnecessary noise.

All vehicles carrying poles or other objects which project more than five feet from the rear shall, during the period of from one-half hour after sunset to one-half hour before sunrise, carry a red light at or near the rear end of the pole or other object so projecting. During the period of from one-half hour before sunrise to one-half hour after sunset such vehicle shall carry a red flag at or near the rear end of the pole or other object so projecting.

No person shall throw on or into the highways any nails, wire, scrap metal, glass, crockery or other substances injurious to the feet of persons or animals or to the tires of vehicles.

Sec. 3979. Accident—vehicles to stop—operator to give name, etc.—report details. In case of an accident the operator of a vehicle shall stop immediately, and upon request, give his name, address and render such assistance as may be reasonable and necessary, provided that in all cases of accident resulting in injury to any person, the operator shall immediately report the details of the same to the local police authorities in the city or county in which such accident shall occur.

Sec. 3982. Forbidden to operate vehicles: minors under 16, persons under influence of liquor—climbing, sounding horn, tampering, etc., forbidden.

(a) No person, whether resident or non-resident of this state, under sixteen years of age, shall operate a vehicle or tractor upon any highway of this state.

(b) No person shall operate a vehicle on the highways of this state when under the influence of liquor or narcotics.

No person shall, without authority of the owner or person in charge thereof, climb upon or into or swing upon or hold on any vehicle, whether the same is in motion or at rest, sound any horn or other signalling device or attempt to manipulate any of the levers, the starter, brakes or machinery thereof, or set said vehicle in motion, or to damage, tamper or interfere with the same.

**Sec. 3983. Transient vehicles—privileges, conditions—other states.** Any vehicle not owned in this state or country or any operator not a resident of this state, federal district or country may for a period not to exceed ninety days in any one year, use the highways of this state without registering or licensing as required in this Act; provided, that such vehicle or operator shall have been registered or licensed under the laws of the state, federal district or country in which such vehicle is owned or operator resided; provided also, that such vehicle shall display its registration plate prominently and that such operator shall on demand of the proper authorities present his operator's license, if any, and provided, further, that the state, federal district or foreign country in which such vehicle is owned or such operator resides shall extend the same privileges to vehicles owned in this state and to operators residing in this state. The governor of this state is hereby authorized and empowered to confer and advise with the proper officers and legislative bodies of this and other states, federal districts and foreign countries with a view of entering into reciprocal agreements under which the registration of vehicles owned in this state and licenses of operators residing in this state will be recognized by such other states, federal districts and foreign countries.

**Sec. 3984. Municipalities, etc., not to impose conflicting regulations.** The provisions of this Act shall apply in general throughout this state, and no city, town or county thereof shall make or enforce any local ordinance or regulation in conflict herewith that shall impose fees, fines or penalties other than those herein prescribed, or decrease the speed limits or the gross weights and dimensions of vehicles as prescribed by this Act.

**Sec. 3985. Restrictions for pedestrians.** Pedestrians shall not use the highways for travel except when obliged to do so by the absence of sidewalks reasonably suitable for their use, in which case they shall keep as near as reasonably possible to the side of the same.

Pedestrians, motor vehicles and all other vehicles shall not stop nor congregate on any highways in such a manner or under such circumstances as to obstruct the free use of the same for vehicular traffic.

A pedestrian shall not cross a highway except at a regular crossing thereof, provided such crossing is within three hundred feet of another regular crossing on the same highway. For the purpose of this Act a regular crossing shall be regarded as the space which would be covered by a projection of the side-walks of one highway upon an intersecting or connecting highway or other place between intersecting or connecting highways as are plainly designated by the proper authorities; provided, however, that pedestrians shall not cross highways at regular crossings where traffic officers are stationed except upon proper signal of such officer.



Sec. 3997. **Secretary to publish synopsis of this Act.** The secretary of state shall prepare a brief synopsis of this Act, setting forth its cardinal points, especially those dealing with violations in the use of motor vehicles and furnish free of cost a copy of same to each applicant for a license or to any other citizen of this state upon application.

Sec. 3. **Acts, laws, ordinances, etc., repealed.** All Acts and parts of Acts, laws and parts of laws, ordinances and parts of ordinances inconsistent herewith or contrary herewith shall be and the same are hereby repealed to the extent of such inconsistency.

Sec. 4. **"Unconstitutional" clause invoked.** If any section, sub-section, sentence, clause or phrase of this Act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this Act.

Sec. 5. This Act shall take effect upon approval.

Approved March 16, 1921.

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## CHAPTER 84.

House Bill No. 61.

Compiled Laws, 1917, p. 873.

(Passed February 16, 1921. Approved February 23, 1921. In effect May 10, 1921.)

### NOTARIES PUBLIC.

**An Act amending Sections 4250, 4253 and 4255, Chapter 1, Title 73, Compiled Laws of Utah, 1917, relating to the appointment and power of notaries public and adding thereto Section 4257x relating to validating of notarial commissions existing May 14, 1921.**

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Sections amended—section added.** That Sections 4250, 4253 and 4255, Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows, and Section 4257x is hereby added to Chapter 1, Title 73, Compiled Laws of Utah, 1917:

**4250. Appointment—term.** The governor may appoint and commission, as many notaries public, having the qualifications of electors, as he may deem necessary, who shall be appointed for the state and shall hold office for the term of four years.

**4253. Powers.** Notaries public are hereby authorized to exercise the following powers within the state of Utah; to administer all oaths pro-

vided by law; to acknowledge powers of attorney and all instruments of writing conveying or affecting property in any part of this state or elsewhere as may be lawful; to take affidavits and depositions; to make declarations and protests and to do all other acts usually done by notaries public in other states and territories.

**4255. Seal.** Every notary public shall have an official seal with which he shall authenticate all his official acts. Said seal must contain the words, "State of Utah" and "Notary Public" or "Notarial Seal," with the surname, and at least the initials of the Christian name of the notary public. He shall affix to his signature his official title and his place of residence.

**4257x. Continuing prior commissions.** All notarial commissions issued prior to May 15th, 1921, shall continue in force for the full term for which they were granted and all acts of said appointed notaries and their official seals, shall, during the full term of their respective commissions, be of like validity and effect as those who may be appointed under the provision of this amended article.

Approved February 23, 1921.

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## CHAPTER 85.

Senate Bill No. 40.

Compiled Laws, 1917, p. 877.

(Passed March 2, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### TRAINED NURSES.

An Act repealing Sections 4285, 4286, 4287, 4288, 4289, 4290, 4291 and 4292; also amending Sections 4293, 4294, 4296, 4297, 4298, 4299 and 4300 of the Compiled Laws of Utah, 1917, relating to registration of trained nurses and the state board of examination and registration of hospital trained graduate nurses.

*Be it enacted by the Legislature of the State of Utah:*

**SECTION 1. Repealed sections.** Sections 4285, 4286, 4287, 4288, 4289, 4290, 4291 and 4292 of the Compiled Laws of Utah, 1917, are hereby repealed.

**Sec. 2. Amended sections.** Sections 4293, 4294, 4296, 4297, 4298, 4299 and 4300 of the Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4293. **Nurse's license required—renewal annually.** It shall be unlawful for any nurse to practice nursing as a hospital graduate or registered nurse without a license from the department of registration, and the required annual renewal of such license; provided, however, that this title shall not be construed to affect or apply to any person nursing the sick as a practical nurse who does not assume to be, or to practice as, a hospital trained graduate or registered nurse.

4294. **Examination—qualifications.** An examination, as provided by the department of registration shall be required of all other applicants. No person shall be eligible for such examination who shall not furnish satisfactory evidence of having been graduated from an accredited training school for nurses, and who has not reached the age of twenty-one years.

4296. **Subjects at examination.** Examinations to applicants for licenses shall be given in both theory and practice by, or under, the direction of the department of registration at such regular times as it shall specify, and shall cover bacteriology, elementary hygiene, anatomy, physiology, materia medica, dietetics, practical nursing, medical and surgical nursing, obstetrics, nursing of children, and the rules and regulations of the state board of health relating to infectious diseases and quarantine, and other subjects required from time to time. A nurse who has received his license according to the provisions of this title shall be styled and known as a registered nurse, and shall be entitled to place the initials R. N. after his name.

4297. **Registering outside nurse, fee—local nurse, fee—expiration of certificate.** The department of registration, upon written application, and upon the receipt of \$10.00 registration fee, shall issue a certificate of registration to any applicant who has been duly registered as a nurse under the laws of another state or foreign country having requirements similar to those provided in this state. Every registered nurse who continues in active practice shall annually, on or before the first day of April, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of the following month in that year. A registered nurse whose certificate of registration has expired may renew his certificate of registration only upon payment of the required restoration fee of \$1.00 per annum for each year lapsed.

4298. **Revoking certificate—causes—notice—appeal.** The department of registration shall have power to revoke any certificate issued in accordance with this title, by unanimous vote of said department, for gross incompetency, dishonesty, habitual intemperance, or any other act



or conduct derogatory to morals, or calculated to lower the standard of the profession of nursing; but before any certificate can be revoked the holder shall be entitled to at least thirty days' written notice of the charge against him, and of the time and place of hearing, at which time and place he shall be entitled to present any evidence bearing upon the question which he may have. Such charge shall be set forth fully in a duly verified complaint. Upon revocation of any certificate it shall be the duty of the department of registration to strike the name of the holder thereof from the roll of registered nurses, and notice of such revocation shall be sent to the state board of examination and registration of nurses in other states; provided, that any nurse whose certificate shall be revoked for any cause may appeal to the district court of the county wherein such revocation shall be made in all respects as is provided by law in civil cases. Should such person prevail in such appeal, all costs of such action shall be assessed against said board.

4299. Inspector of hospitals, etc.—compensation. The department of registration shall have the power to appoint an inspector of hospitals and training schools for nurses, whose duties shall be outlined by the department. Such appointee must be a hospital trained graduate and registered nurse. The inspector shall receive not to exceed \$5 a day when actually engaged in the service of the department, and also all necessary expenses incurred while in the discharge of his official duties.

4300. Penalty. Any person violating any of the provisions of this title, or making any false representations to the department of registration in applying for a license, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment of not more than thirty days in jail, or by both such fine and imprisonment.

Sec. 3. This Act shall take effect upon approval.

Approved March 10, 1921.

## CHAPTER 86.

Senate Bill No. 41.

Compiled Laws, 1917, p. 881.

(Passed March 2, 1921. Approved March 9, 1921. In effect May 10, 1921.)

## REGULATING PRACTICE OF OPTOMETRY.

An Act amending Sections 4315, 4319 and 4321, and repealing Sections 4317, 4318, 4320, 4322, 4323, 4324 and 4325, Compiled Laws of Utah, 1917, relating to optometry.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 4315, 4319 and 4321, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4315. **Certificate required.** It shall be unlawful for any person in the state of Utah to practice or attempt to practice optometry, as hereinafter defined, or to advertise, or hold himself out as qualified to fit or adjust any lenses or lens in any manner or form as an aid or assistance to human eyesight, without first obtaining a certificate from the department of registration to practice optometry, and the required annual renewals thereof.

4319. **Qualifications for certificates — application — examination — fee.** Certificates authorizing the practice of optometry shall be issued, after the passage of this title, only to persons who have reached the age of twenty-one years, are of good moral character, have a preliminary education equivalent to two or more years in a public high school, and also have studied at least three years in the office of a registered optometrist, or have been actually engaged in refraction for three years, or have actually attended and graduated from a recognized school of optometry, and upon a critical examination are found to possess the requisite scholarship in optometry. Upon the presentation of satisfactory evidence, verified by oath, of such qualification, such person may make application for examination for a certificate authorizing him to practice optometry. The application shall be in writing, directed to the department of registration, requesting to be examined in optometry. The application must be filed with the department not less than fifteen days before the time of examination, and be accompanied by a fee of \$20. If the applicant shall successfully pass such examination, he shall have issued to him a certificate signed by the director of the department of registration, bearing the department's seal, authorizing the applicant to practice optometry in the state of Utah, upon a further payment of \$5 to said department.

4321. Display of certificate—receipt to customer. Every person holding a certificate to practice optometry in the state of Utah shall display the said certificate and the certificate of the required annual renewal thereof, in its entirety in a conspicuous place in his office wherein the practice of optometry is conducted. He shall also deliver to each customer or person fitted with glasses by him, in case the work is not done in his permanent office, a receipt which shall contain his signature, the number of his certificate and his home postoffice address.

Sec. 2. Sections repealed. Sections 4317, 4318, 4320, 4322, 4323, 4324 and 4325, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 9, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

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## CHAPTER 87.

House Bill No. 19.

Compiled Laws, 1917, p. 885.

(Passed January 27, 1921. Approved February 16, 1921. In effect February 16, 1921.)

### STATE BOARD OF PARK COMMISSIONERS.

An Act repealing Sections 4341, 4342, 4343, 4344, 4345 and 4346, Compiled Laws of Utah, 1917, relating to state board of park commissioners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections repealed. That Sections 4341, 4342, 4343, 4344, 4345, and 4346, Compiled Laws of Utah, 1917, be and these sections are hereby repealed.

Sec. 2. This Act shall take effect upon approval.

Approved February 16, 1921.



## CHAPTER 88.

Senate Bill No. 107.

Compiled Laws, 1917, p. 886.

(Passed March 10, 1921. Approved March 22, 1921. In effect May 10, 1921.)

## LIMITED PARTNERSHIPS.

An Act relating to limited partnerships and to make uniform the law relating to limited partnerships and repealing Sections 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368, 4369, 4370, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Limited partnership defined. A limited partnership is a partnership formed by two or more persons under the provisions of Section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Sec. 2. Certificate—contents—file for record. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and swear to a certificate, which shall state

I. The name of the partnership.

II. The character of the business.

III. The location of the principal place of business.

IV. The name and place of residence of each member; general and limited partners being respectively designated.

V. The term for which the partnership is to exist.

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner.

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made.

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned.

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution.

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution.

XI. The right, if given, of the partners to admit additional limited partners.

XII. The right, if given of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority.

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record the certificate in the office of the county clerk of the county in which the principal place of the partnership shall be situated, and in case such partnership shall have a place of business in more than one county then a copy of such certificate certified by the county clerk of the county where the original was filed shall be filed in the office of the county clerk in each county in which such partnership shall have a place of business.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

Sec. 3. Business—limitation. A limited partnership may carry on any business which a partnership without limited partners may carry on. The provisions of this Act shall not be construed to authorize any such partnership for the purpose of banking or effecting insurance.

Sec. 4. Services not contributions. The contributions of a limited partner may be cash or other property, but not services.

Sec. 5. Surname not to appear—except—liability when name appears. (1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

2. A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

Sec. 6. **Liability for false certificate.** If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in Section 25 (3).

Sec. 7. **Limited partner not liable—except.** A limited partner shall not become liable as a general partner unless in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Sec. 8. **Additional limited partners.** After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of Section 25.

Sec. 9. **General partner—powers—restriction.** (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

(a) Do any act in contravention of the certificate.

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership.

(c) Confess a judgment against the partnership.

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose.

(e) Admit a person as a general partner.

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate.

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

Sec. 10. **Rights of limited partner.** (1) A limited partner shall have the same rights as a general partner to

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them.



(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in Sections 15 and 16.

Sec. 11. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

Sec. 12. Combined general and limited partner. (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

Sec. 13. Loans by limited partner—restriction—fraud. (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

Sec. 14. Priority to limited partner. Where there are several limited partners the members may agree that one or more of the limited partners

shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

Sec. 15. **Share to limited partner.** A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Sec. 16. **Return of contribution of limited partner—conditions.** (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them.

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

Sec. 17. Liability of limited partner. (1) A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

Sec. 18 Limited partner's interest is personal property. A limited partner's interest in the partnership is personal property.

Sec. 19. Limited partner's interest assignable—conditions. (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information on account of the partnership



transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with Section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under Sections 6 and 17.

Sec. 20. Dissolution of partnership. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

- (a) Under a right so to do stated in the certificate, or
- (b) With the consent of all members.

Sec. 21. Rights of execution. (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as limited partner.

Sec. 22. Under court's order—receiver, etc. (1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim, and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this Act shall be held to deprive a limited partner of his statutory exemption.

**Sec. 23. Settling accounts—distribution.** (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners.

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions.

(c) Those to limited partners in respect to the capital of their contributions.

(d) Those to general partners other than for capital and profits.

(e) Those to general partners in respect to profits.

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

**Sec. 24. Cancellation of certificates.** (1) The certificates shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner.

(b) A person is substituted as a limited partner.

(c) An additional limited partner is admitted.

(d) A person is admitted as a general partner.

(e) A general partner retires, dies or becomes insane, and the business is continued under Section 20.

(f) There is a change in the character of the business of the partnership.

(g) There is a false or erroneous statement in the certificate.

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution.

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

**Sec. 25. Amending certificate.** (1) The writing to amend a certificate shall

(a) Conform to the requirements of Section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the district court to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order county clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of county clerk where the certificate is recorded

(a) A writing in accordance with the provisions of paragraph (1), or (2), or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this Act.

**Sec. 26. Contributor—limitation.** A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partner-



ship, except where the object is to enforce a limited partner's right against or liability to the partnership.

Sec. 27. Uniform limited partnership Act. This Act may be cited as the uniform limited partnership Act.

Sec. 28. Statute not strictly construed—interpretation—construction.

(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This Act shall not be so construed as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action on proceedings begun or right accrued before this Act takes effect.

Sec. 29. Rules to prevail. In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

Sec. 30. Limited partnership — adaptation — existing partnerships.

(1) A limited partnership formed under any statute of this state prior to the adoption of this Act, may become a limited partnership under this Act by complying with the provisions of Section 2; provided the certificate sets forth

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A limited partnership formed under any statute of this state prior to the adoption of this Act, until or unless it becomes a limited partnership under this Act, shall continue to be governed by the provisions of Title 80, Compiled Laws of Utah, 1917, except that such partnership shall not be renewed unless so provided in the original agreement.

Sec. 31. Sections repealed. Except as affecting existing limited partnerships to the extent set forth in Section 30 of this Act, Sections 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368, 4369 and 4370 are hereby repealed.

Approved March 22, 1921.

## CHAPTER 89.

Senate Bill No. 100.

Compiled Laws, 1917, p. 886.

(Passed March 10, 1921. Approved March 22, 1921. In effect May 10, 1921.)

## UNIFORM PARTNERSHIP ACT.

**An Act providing for the law relating to partnerships, partnership property and relations and making uniform the law of partnership and repealing all Acts or parts of Acts inconsistent therewith.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Uniform partnership. This Act may be cited as uniform partnership Act.

Sec. 2. Terms defined. In this Act, "court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the federal bankruptcy Act or insolvent under any state insolvent Act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real property" includes land and any interest or estate in land.

Sec. 3. "Knowledge" and "notice." (1) A person has "knowledge" of a fact within the meaning of this Act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has "notice" of a fact within the meaning of this Act when the person who claims the benefit of the notice,

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

Sec. 4. Not to be strictly construed—laws applicable—general purpose.

(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) The law of estoppel shall apply under this Act.

(3) The law of agency shall apply under this Act.

(4) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This Act shall not be construed so as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

Sec. 5. Rules that govern. In any case not provided for in this Act, the rules of law and equity, including the law merchant, shall govern.

Sec. 6. How applicable. (1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this Act, unless such association would have been a partnership in this state prior to the adoption of this Act; but this Act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

Sec. 7. Determining rules. In determining whether a partnership exists these rules shall apply:

(1) Except as provided by Section 16, persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise.

(b) As wages of an employee or rent to a landlord.

(c) As an annuity to a widow or representative of a deceased partner.

(d) As interest on a loan, though the amount of payment vary with the profits of the business.

(e) As the consideration for the sale of a good-will of a business or other property by installments or otherwise.



**Sec. 8. Partnership property.** (1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

**Sec. 9. Every partner an agent—exceptions.** (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership.

(b) Dispose of the good-will of the business.

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership.

(d) Confess a judgment.

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

**Sec. 10. Real estate transfer.** (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership

under the provisions of paragraph (1) of Section 9, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of Section 9, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

Sec. 11. Admission of one, evidence against all. An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this Act is evidence against the partnership.

Sec. 12. Notice operative—exception. Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operates as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Sec. 13. Partnership liable for injury by partner. Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his co-partners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Sec. 14. Loss to be made good—when. The partnership is bound to make good the loss:

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

Sec. 15. Joint liability. All partners are liable,

(a) Jointly and severally for everything chargeable to the partners under Sections 13 and 14.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

Sec. 16. Effect of representation as partner. (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made.

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.



Sec. 17. **New partner liable—extent.** A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that his liability shall be satisfied only out of partnership property.

Sec. 18. **Obligations of partners within the partnership.** The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

Sec. 19. **Partnership books.** The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Sec. 20. **Full information for partner or representative.** Partners shall render on demand true and full information of all things affecting the

partnership to any partner or the legal representative of any deceased partner or partners under legal disability.

Sec. 21. Partner must account. (1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

(2) This section applies to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

Sec. 22. Right to formal account. Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession of its property by his co-partners.

(b) If the right exists under the terms of any agreement.

(c) As provided by Section 21.

(d) Whenever other circumstances render it just and reasonable.

Sec. 23. Continuing rights. (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

Sec. 24. Property right of each partner. The property rights of a partner are (1) his rights in specific partnership property, (2) his interests in the partnership, and (3) his right to participate in the management.

Sec. 25. Specific partnership not subject to individual execution or exemption, etc. (1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this Act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt, the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, courtesy, or allowances to widows, heirs, or next of kin.

Sec. 26. Partner's interest personal property. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

Sec. 27. Conveyance—limitation of effect—dissolution. (1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Sec. 28. Court may make orders. On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:



(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this Act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

Sec. 29. Dissolution not winding up. The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

Sec. 30. Continues. On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

Sec. 31. Dissolution, how caused. Dissolution is caused:

(1) Without violation of the agreement between the partners.

(a) By the termination of the definite term or particular undertaking specified in the agreement.

(b) By the express will of any partner when no definite term or particular undertaking is specified.

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking.

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners.

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time.

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership:

(4) By the death of any partner.

(5) By the bankruptcy of any partner or the partnership.

(6) By decree of court under Section 32.

Sec. 32. Court decree of dissolution. (1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind.

(b) A partner becomes in any other way incapable of performing his part of the partnership contract.

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business.

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him.

(e) The business of the partnership can only be carried on at a loss.

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under Sections 28 or 29:

(a) After the termination of the specified term or particular undertaking.

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

Sec. 33. When dissolution terminates authority of partner. Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership.

(1) With respect to the partners:

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where Section 34 so requires.

(2) With respect to persons not partners, as declared in Section 35.

Sec. 34. When liability continues. Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

Sec. 35. Binding partnership after dissolution. (1) After dissolution a partner can bind the partnership except as provided in paragraph (3),

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution.

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction—

(I.) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(II.) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution:

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution:

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who—

(I.) Had an extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II.) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1bII).

(4) Nothing in this section shall affect the liability under Section 16 of any person who after dissolution represents himself or consents to



another representing him as a partner in a partnership engaged in carrying on business.

Sec. 36. Dissolution not discharge—what action necessary. (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

Sec. 37. Winding up affairs. Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

Sec. 38. Dissolution—applying property—rights of parties. (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his co-partners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under Section 36 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have,

(I.) All the rights specified in paragraph (1) of this section, and

(II.) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of this section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

I. If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII), of this section.

II. If the business is continued under paragraph (2b) of this section the right as against his co-partners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his co-partners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good-will of the business shall not be considered.

Sec. 39. Lien for fraud. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled,

(a) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

Sec. 40. Rules of settlement. In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(a) The assets of the partnership are:

I. The partnership property.

II. The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

I. Those owing to creditors other than partners.

II. Those owing to partners other than for capital and profits.

III. Those owing to partners in respect of capital.

IV. Those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

(d) The partners shall contribute, as provided by Section 18 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

I. Those owing to separate creditors.

II. Those owing to partnership creditors.



### III. Those owing to partners by way of contribution.

Sec. 41. **Change in personnel—creditors remain creditors.** (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partner or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of Section 38 (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved

partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

Sec. 42. Interest of decedent at date of dissolution. When any partner retires or dies, and the business is continued under any of the conditions set forth in Section 41 (1, 2, 3, 5, 6), or Section 38 (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided, that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by Section 41 (8) of this Act.

Sec. 43. Right to account. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

Sec. 44. Acts repealed. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 22, 1921.

## CHAPTER 90.

Senate Bill No. 42.

Compiled Laws, 1917, pp. 895-904; Laws, 1919, p. 264.

(Passed March 8, 1921. Approved March 10, 1921. In effect March 10, 1921.)

## REGISTRATION OF PHARMACISTS.

An Act amending Section 4406, Chapter 1, Title 83, Compiled Laws of Utah, 1917, as amended by Chapter 79, Laws of Utah, 1919, and Sections 4407, 4412, 4413, 4415, 4419 and 4435, Chapter 1, Title 83, Compiled Laws of Utah, 1917; relating to the registration of pharmacists, and repealing Sections 4408, 4409, 4410, 4411 and 4414, Chapter 1, Title 83, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Section 4406, Chapter 1, Title 83, Compiled Laws of Utah, 1917, as amended by Chapter 79, Laws of Utah, 1919, and Sections 4407, 4412, 4413, 4415, 4419, and 4435, Chapter 1, Title 83, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4406. License — conditions of issuance — qualifications for licensee. No person shall be granted a license as a registered pharmacist until he shall have made a written application to the department of registration, setting forth by affidavit that he is of the age of twenty-one years or upwards, that he has had at least four years practical experience where drugs, medicines and poisons were dispensed and retailed, and prescriptions compounded, of which experience one year must have been within four years last preceding the date of such application, in a pharmacy or store in the United States of America, under the personal supervision of a licensed pharmacist, and until he shall have paid such license fee as is fixed by said department, and until he shall have passed an examination satisfactory to said department, for the granting of such license, and said applicant shall satisfy said department that he is possessed of sufficient educational qualifications; provided, however, the department of registration may, in its discretion, grant certificates of registration to such person as shall furnish, with his application satisfactory proof that he has been duly registered after examination in some other state or territory of the United States, and a certified copy of the standing of the applicant at said examination; provided, that such other state or territory shall require a degree of competency equal to that required by applicant in this state. Every applicant for registration as a registered pharmacist under this proviso shall file with his application his photograph and signature. Graduates of the college of pharmacy of the



University of Utah of the age of twenty-one years or upwards shall be entitled to license as registered pharmacists, without the examination hereinbefore provided, upon presentation to the department of registration of the diploma or certificate of graduation and upon payment of a license fee as is fixed by said department; provided, further, that the department shall not grant a license to such graduate applicant if, upon investigation, it determines that the character or habits of the applicant are such as to endanger public health or safety, nor if the applicant has been convicted of more than one violation of any state or federal law governing the sale of narcotic drugs or intoxicating liquors.

4407. Assistant's certificate—limitations. It shall be the duty of the department of registration to grant an assistant's certificate to such persons as have had three years' practical experience in drug stores where prescriptions of medical practitioners are compounded, and have passed a satisfactory examination under said department. The holders of said certificate shall have the right to act as clerk or salesman during the temporary absence of the owner or manager thereof. Temporary absence, within the meaning of this title, shall be held to be only those unavoidable absences which may occur during the day's work, not to exceed ten days, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume direct supervision of said pharmacy. No registered assistant shall conduct the pharmacy.

4412. Assistant pharmacist—fee—second examination. Every person applying for registration as assistant pharmacist shall, before certificate be granted, pay to the department of registration the sum of \$5.00, and every applicant for registration as registered pharmacist shall pay the sum of \$15.00. In case of a failure of an applicant upon his or her first application to pass a satisfactory examination before the said department, a second examination shall be granted him or her without further payment of fee, if applied for within six months from the presentation of such first application for examination.

4413. Pharmacist—fee—annual registration. Every registered pharmacist or assistant pharmacist, who desires to continue in the pursuit of pharmacy, shall annually, after the expiration of the first year of registration, on or before the 2nd day of January of each year, pay the department of registration a renewal fee to be fixed by the department, which shall not exceed \$5.00 for registered pharmacists and \$3.00 for assistant pharmacists, in return for which a renewal registration shall be issued. If any person shall fail or neglect to procure his annual registration as herein specified, notice of such failure having been mailed to his postoffice address, as obtained from the books of the secretary, the department may, after the expiration of one year, deprive him or her of his or her registration. In order for such persons to regain

registration, it will be necessary for them to apply and pass the examination of an unlicensed applicant.

4415. **Acting without registration—penalty.** Any person who is not a registered pharmacist, duly authorized under this title to do business on his own account, who shall keep a pharmacy, store or shop for dispensing and compounding of physicians' prescriptions, and shall not have in his employment in said pharmacy, store, or shop a registered pharmacist, authorized by the department of registration to manage a pharmacy, shall be guilty of a misdemeanor.

4419. **Standard for preparations—penalty for adulterations.** Unless otherwise prescribed for or specified by the customer, all pharmaceutical preparations sold or dispensed in a pharmacy, dispensary, store, or place shall be of the standard strength, quality and purity established by the latest edition of the United States Pharmacopoeia and National Formulary. Any person who shall wilfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article, and any person who shall substitute one material for another, with the intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor. Every pharmacy, dispensary, store or place where any pharmaceutical preparations are manufactured, sold or dispensed shall provide itself with the latest edition of the United States Pharmacopoeia and the National Formulary.

4435. **Revoking license.** The department of registration may revoke the registration and license of any registered pharmacist or assistant pharmacist upon conviction of the second offense for violating any of the provisions of Sections 4432, 4433, and in such case said registration shall not be restored before the period of one year from the date of said revocation.

Sec. 2. **Sections repealed.** Sections 4408, 4409, 4410, 4411, 4414, Chapter 1, Title 83, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 3. **This Act shall take effect upon approval.**

Approved March 10, 1921.

## CHAPTER 91.

Senate Bill No. 46.

Compiled Laws, 1919, p. 904.

(Passed March 9, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## PRACTICE OF MEDICINE AND SURGERY.

An Act to regulate the practice of medicine and surgery in all their branches and any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, and obstetrics, and to license the same; providing for the examination of applicants for licenses; determining the qualifications of applicants for licenses and fixing minimum standards of professional and preliminary education; providing for the issuance of licenses without examination in certain cases; refusing licenses to applicants who are not of good moral character and for "unprofessional conduct," and providing for a hearing in such cases; providing for the annual registration of practitioners and the recording of licenses; fixing license fees; defining what is meant by "practicing medicine and treating human ailments," and "unprofessional conduct"; providing for the revocation of licenses for "unprofessional conduct"; imposing penalties for the violation of this Act; validating and continuing in force licenses held when this Act shall take effect; and repealing Sections 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4448, 4449, 4450, 4451, 4452, 4453, 4454, 4455, 4456, 4457, of Title 85, Compiled Laws of Utah, 1917, and all Acts or parts of Acts in conflict herewith.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. License to practice medicine and surgery. No person shall practice medicine and surgery or any of the branches thereof, or any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, or obstetrics, without a license so to do.

Sec. 2. Examination for license. No person shall, except as otherwise provided in this Act, hereafter be licensed to practice medicine or any other system or method of treating human ailments, or obstetrics, unless he shall pass a satisfactory examination, as hereinafter provided.

Sec. 3. Application for examination—conditions—fees. Each applicant for examination shall:

1. Make application for examination on blank forms prepared and furnished by the department of registration.

2. Submit evidence, verified under oath, and satisfactory to the department of registration, that



- (a) He is twenty-one years of age or over;
- (b) He is of good moral character;
- (c) He has the professional and preliminary education required by this Act.

3. Designate in his application whether he desires to practice medicine and surgery in all their branches, or to treat human ailments without the use of drugs or medicines and without operative surgery and, if he desires to treat human ailments without the use of drugs or medicines and without operative surgery, the designation shall be in accordance with the tenets of the professional school, college or institution of which he is a graduate.

4. Pay in advance to the department of registration examination fees as follows:

- (a) For the examination in medicine and in other systems of treating human ailments, \$25.00;
- (b) For the examination of obstetrics, \$15.00.

Sec. 4. Standard for professional education—medicine and surgery—obstetrics. Minimum standards of professional education are fixed as follows:

1. For the practice of medicine and surgery in all their branches:

(a) For an applicant, who is a graduate of a medical college prior to July 1, 1926, that he is a graduate of a medical college deemed to be reputable and in good standing at the time of his graduation and completed a course of study in such medical college in accordance with the laws, rules and regulations relating to the practice of medicine established and in force in the state of Utah at the time of his graduation.

(b) For an applicant who is a graduate of a medical college subsequent to July 1, 1926, that he is a graduate of a medical college deemed to be reputable and in good standing and which requires of its students, as a prerequisite of graduation, either at least a five years' course of instruction, the time elapsing between the beginning of the first year and the ending of the last, or fifth year in the medical college, to be not less than fifty months, or, as a prerequisite to admission to such medical college, two years in a college of liberal arts, approved by the department of registration, and pursuing in such college of liberal arts a course of study approved by said department, and at least a four years' course of instruction in the medical college, the time elapsing between the beginning of the first year in the medical college and the ending of the last, or

fourth year, to be not less than forty months, and, in either case, in addition thereto, a course of training of not less than twelve months in a hospital approved by the department of registration.

2. For the practice of any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, prior to 1925; that the applicant is a graduate of a reputable professional school, college or institution teaching the system of treating human ailments for which the applicant desires to be licensed, which requires as a prerequisite of graduation a three years' residence course of instruction, the time elapsing between the beginning of the first year and the ending of the last, or third year, to be not less than thirty months; provided, that nothing herein shall apply to higher standards now in force by any such system.

3. For the practice of any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, subsequent to July 1, 1925; that the applicant is a graduate of a reputable professional school, college or institution in good standing, teaching the system of treating human ailments for which the applicant desired to be licensed, which required as a prerequisite of graduation a four years' residence course of instruction, the time elapsing between the beginning of the first year and the ending of the last, or fourth year, to be not less than forty months.

4. For the practice of obstetrics: That the applicant is a graduate of a school or college of obstetrics in good standing; or, upon passing a satisfactory examination in obstetrics, as hereinafter provided.

The word "year" as used in this section shall be held to mean a school year.

The standards of professional education above defined, shall be deemed to be minimum requirements. The board of registration may prescribe other and additional requirements for professional education.

Sec. 5. Standards for preliminary education to enter medical college and school of obstetrics. Minimum standards of preliminary education deemed requisite to admission to a medical college, or to a professional school, college or institution teaching other systems of treating human ailments, deemed to be reputable and in good standing, are fixed as follows:

1. That the applicant for admission to such college, school or institution has satisfactorily completed an approved course of study in a high school or other equivalent school having a course of studies requiring an attendance through four school years and being equal to sixteen units, and, in addition thereto, one year of college work, and which is approved

by the department of registration; and, after the year 1926, the applicant shall furnish evidence of at least a two years' course in a college of liberal arts.

2. An applicant for admission to a school of obstetrics shall have a preliminary education equivalent to that of one year in a high school; and, after the year 1926, a completed course in a high school.

The standard of preliminary education, above defined, shall be deemed to be the minimum requirements. The department of registration may prescribe other and additional requirements for professional education.

Sec. 6. Rules for examinations. All examinations provided for in this Act shall be conducted under rules and regulations prescribed and adopted by the department of registration. Examinations shall be held not less frequently than four times each year, at times and places fixed by the department of registration, of which the applicant shall be notified in writing. The examination shall be in English and may be partly or wholly in writing, and shall be of a character sufficiently strict to test the qualifications of the candidate as a practitioner.

Sec. 7. Knowledge of general subjects. The examination of those who desire to practice medicine and surgery in all their branches shall embrace those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine by reputable medical colleges in the United States.

Sec. 8. Examinations for practitioners not using drugs or medicines. The examination of those who desire to practice systems or methods of treating human ailments without the use of drugs or medicines and without operative surgery shall be of the same character as that required of those who desire to practice medicine and surgery in all their branches, excepting therefrom materia medica, therapeutics, surgery, obstetrics and theory and practice. If the applicant is a graduate of a professional school, college or institution in which the subject of obstetrics, as taught therein, is deemed equal to that taught in a medical college reputable and in good standing, he may, on his request, be examined in the subject of obstetrics. In the subjects of theory and practice, the applicant shall be examined in accordance with the theory and practice taught by the professional school, college or institution of which the applicant is a graduate.

Sec. 9. Obstetrics. The examination of those who desire to practice obstetrics shall be of such a character as to determine the qualifications of the applicant to practice obstetrics.

Sec. 10. Kinds of licenses issued. Each applicant who successfully passes an examination shall be entitled to a license. The following kinds of licenses shall be issued:



1. To practice medicine and surgery in all their branches.

2. To treat human ailments without the use of drugs or medicines and without operative surgery, and to practice such treatment in accordance with the tenets of the school of practice designated by the applicant under the provisions of Section 3 of this Act. If the applicant successfully passes the examination in obstetrics, the license shall also set forth his right to practice obstetrics.

3. To practice obstetrics.

Sec. 11. Further examination for non-medical practitioner—fee for non-resident practitioners. Any person licensed under the provisions of this Act to practice in any school or system of treating human ailments without the use of drugs or medicines and without operative surgery, may be admitted to take an examination to practice medicine and surgery in all their branches upon proof of having successfully completed in a medical college admitted to be reputable and in good standing, the course of study required for admission to an examination for a license to practice medicine and surgery in all their branches. In such case, the applicant shall pass a satisfactory examination in therapeutics, materia medica, surgery and obstetrics only. If the applicant successfully passes such examination, he shall be issued a license to practice medicine and surgery in all its branches. The term medical college reputable and in good standing, as herein used, shall be tested by the requirements of Section 4, Subdivision (b) of this Act.

Sec. 12. License without examination. The department of registration may, in its discretion, issue a license without examination, to a practitioner who has been licensed in any country, state or territory on the following conditions:

1. That the applicant is of good moral character.

2. That, if the applicant desires to practice medicine and surgery in all their branches:

- (a) He is a graduate of a medical college reputable and in good standing.

- (b) The requirements of medical registration in the country, state or territory in which he is licensed are deemed by the department of registration to have been practically equivalent to the requirements of medical registration in force in the state of Utah at the date of such license.

3. That if the applicant desires to treat human ailments without the use of drugs or medicines and without operative surgery:

- (a) He is a graduate of a professional school, college or institution in good standing.

(b) The requirements of registration to practice the treatment of human ailments without the use of drugs or medicine and without operative surgery are deemed by the department of registration to be practically equivalent to the requirements of such registration as provided for under this Act.

4. That the country, state or territory in which the applicant was licensed shall accord a like privilege to physicians or to those who hold licenses to treat human ailments without the use of drugs or medicines and without operative surgery, who hold licenses under the laws of this state.

The department of registration may also, in its discretion, issue a license, without examination, to a physician who is a graduate of a medical college in good standing, and who has passed an examination for admission to the medical corps of the United States army, United States navy or the United States public health service.

Applications from non-resident practitioners shall be filed with the department of registration on blank forms prepared and furnished by said department, and shall be accompanied by a fee of \$50.00.

**Sec. 13. Refusal of license—grounds—accusation—answer—witnesses—contempt—hearing.** The department of registration must refuse a license to any applicant not of good moral character or who has been guilty of “unprofessional conduct,” as defined in this Act; but, before such refusal, the applicant must be cited to appear before the said department by citation signed by the director of registration.

No citation shall be issued except upon sworn complaint filed with the director of registration and setting forth such particular acts constituting such immorality or “unprofessional conduct.” On the filing of such complaint, the director must forthwith issue a citation and make same returnable at any time within thirty days next after the filing of the complaint. Such citation shall notify the applicant of the time and place when and where the matter of such immorality or such “unprofessional conduct” shall be heard, the particular immorality or “unprofessional conduct” with which the applicant is charged and that the applicant shall file his written answer under oath within twenty days after the service on him of such citation; or default will be taken against him, and his application for license refused.

The attendance of witnesses at such hearing may be compelled by subpoenas issued by the director under seal, and said director shall in no case refuse to issue any such subpoena upon a fee of twenty cents being paid him for each subpoena by the applicant. Said citation and subpoena and all the provisions of the statutes of this state then in

force relating to subpoenas are hereby made applicable to the subpoenas provided for herein.

In case of the refusal of a witness properly served with subpoena to attend before said department of registration, such refusal may be certified by the director to the district court of the county in which service was had and said court shall thereupon issue a subpoena to said witness to appear before it; and in case of further refusal on the part of said witness, the court shall then cite said witness or witnesses to appear before it and show cause why he should not be punished for contempt; and, if the court finds upon hearing that said witness has wilfully disobeyed the mandate of the court, it shall then proceed to impose such penalties as are provided for in cases of contempt of court.

Contempt under this Act shall be governed and controlled in the manner provided by the general law relating thereto, now in force in this state.

Sec. 14. License to be recorded in county. Every person holding a license under this Act shall have the same recorded in the office of the recorder of the county in which he resides, within three months of its date, and the date of record shall be endorsed thereon. Until such license is recorded as herein provided, the holder thereof shall not exercise any of the privileges conferred therein to practice medicine. The county recorder shall keep in a book provided for that purpose a complete list of licenses recorded by him and the holder of such license shall pay the recorder the usual fee for recording the same.

Sec. 15. Practicing medicine—exceptions. Any person shall be regarded as practicing medicine or treating human ailments, within the meaning of this Act, who shall diagnose, treat or profess to treat, operate upon or prescribe or advise for any physical or mental ailment or any physical injury to or deformity of another. Nothing in this Act shall be construed to affect the following cases:

1. The administration of domestic or family remedies in cases of emergency.
2. The practice of dentistry or dental surgery by any legally licensed dentist exclusively engaged in practicing dentistry and dental surgery.
3. The practice of pharmacy by legally registered pharmacists.
4. The treatment of sick or suffering by prayer or other spiritual means without the use of any drug or material remedy.
5. The practice of optometry by any legally licensed optometrist exclusively engaged in the practice of optometry.
6. The practice of chiropody.



7. The practice of medicine and surgery by any surgeon of the United States army, United States navy or public health service in the discharge of his official duties.

Sec. 16. Revoking license—notice—cause of revocation. Whenever any licensed practitioner under this Act is guilty of "unprofessional conduct," as the same is defined herein, then the license of such practitioner shall be revoked or cancelled by the department of registration, and the procedure provided for by Section 13 of this Act, relating to the refusal of the department of registration to issue licenses, is hereby made applicable to the revocation of licenses.

Upon the revocation of any license it shall be the duty of the department of registration to file a certified copy thereof with the county recorder of the counties in which the license of the practitioner holding such license is recorded; and the recorder must thereupon note on the margin of the copy of said license the following:

"This license was revoked and cancelled by the department of registration of the state of Utah, on the.....day of....., 19....," giving the day, month, and year of such revocation.

No license shall be revoked for unprofessional conduct under this section unless the accused has been guilty thereof within two years next preceding the time of the filing of the complaint charging him with such unprofessional conduct.

Sec. 17. Unprofessional conduct defined. The words "unprofessional conduct" as used in this Act are hereby defined to mean any of the following acts, to wit:

1. Offering or attempting to procure or aid or abet in procuring a criminal abortion.

2. The procuring or aiding or abetting in procuring a criminal abortion.

3. The procuring of any fee on the assurance that a manifestly incurable disease can be permanently cured.

4. The wilful betrayal of a professional secret.

5. Advertising, announcing, or stating, directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of any certificate issued under this Act, or any other person, company or association by whom he is employed or in whose service he is, will cure or attempt to cure, or will treat, any person or persons for lost manhood, sexual weakness or sexual venereal disease, or will cure or attempt to cure or treat any disorder, or any disease of the sexual organs, or being employed by, or

being in the service of any person, firm, association or corporation so advertising, announcing or stating.

6. All advertising of medicine or of any means whereby the monthly period of women can be regulated or the menses re-established if suppressed.

7. All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

8. Conviction of any offense involving moral turpitude.

9. Habitual intemperance or gross immorality.

10. Lending his name to be used as a physician or surgeon by another person who is not a physician or surgeon.

11. Street advertising, soliciting or other public peddling or selling of medical or surgical remedies or appliances in person or by proxy.

12. Prescribing any intoxicating liquors to be used as a beverage.

13. Prescribing morphine or cocaine, or other narcotic with intent that the same shall be used otherwise than medicinally or with intent to evade any law in relation to the sale, use or disposition of such drugs.

14. Wilful violation of the law in regard to the registration of births and deaths and the reporting of infectious diseases.

15. Advertising or professing publicly to treat human ailments under a system or school of treatment or practice other than that for which he holds a license.

16. Wilful violation of the rules and regulations of the department of registration governing examinations, or fraud or deceit by which one was admitted to practice.

Sec. 18. Antiseptic precautions or antidotes. Nothing in this Act shall be construed to prohibit those persons licensed to practice any system or method of treating human ailments, the right to use such antiseptic precautions as may be prescribed by the state board of health of Utah for the prevention of the spread of communicable diseases, nor the right to use antidotes in case of emergency involving acute poisoning.

Sec. 19. Practicing fraud—penalty. Any person who, not being then licensed to practice medicine and surgery in all their branches, shall practice medicine and surgery; or who, not being then licensed to treat human ailments without the use of drugs or medicine and without operative surgery, shall treat human ailments without the use of drugs or medicines and without operative surgery; or who, being licensed to

treat human ailments without the use of drugs or medicines and without operative surgery, shall treat human ailments with drugs or medicines or with operative surgery; or who, not being licensed to practice obstetrics, shall practice obstetrics; or who shall buy, sell, or fraudulently obtain any medical or professional diploma, license or registration; or who shall fraudulently aid or abet such fraudulent buying, selling or obtaining; or who shall practice the treatment of human ailments, or obstetrics, under cover of any license fraudulently or illegally obtained; or who, being licensed to treat human ailments without the use of drugs or medicines and without operative surgery in a named school or system of practice, shall, in connection with his name, advertise or profess to treat human ailments under a system or school of treatment or practice other than that for which he holds a license, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$100.00, nor more than \$500.00, or by imprisonment for a term of not less than sixty days or more than 180 days, or by both such fine and imprisonment.

Sec. 20. False pretense or advertising—penalty. Any person, other than one licensed to practice medicine and surgery in all their branches, calling or advertising himself as a physician or doctor, without affixing thereto a prefix or suffix indicating the school or system of practice in which he is licensed to practice, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as in the next preceding section provided.

Sec. 21. Validating prior licenses. All licenses heretofore issued by the state board of medical examiners of the state of Utah, authorizing the holder thereof to practice medicine in this state, and all licenses lawfully held at the time of the taking effect of this Act shall continue valid and in force and effect unless revoked or cancelled under the provisions of this Act.

Sec. 22. Sections and acts repealed. That Sections 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4448, 4449, 4450, 4451, 4452, 4453, 4454, 4455, 4456, 4457, Title 85, Compiled Laws of Utah, 1917, and all Acts or part of Acts in conflict herewith be and the same are hereby repealed.

Sec. 23. This Act shall take effect upon approval.

Approved March 10, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 92.

House Bill No. 7.

Compiled Laws, 1917, p. 913.

(Passed January 27, 1921. Approved February 4, 1921. In effect February 4, 1921.)

## PUBLICITY AND DEVELOPMENT BOARD.

An Act repealing Sections 4501, 4502, and 4503, Compiled Laws of Utah, 1917, relating to publicity and development board.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections repealed. Sections 4501, 4502, and 4503, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 2. This Act shall take effect upon approval.

Approved February 4, 1921.

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CHAPTER 93.

House Bill No. 34.

Compiled Laws, 1917, p. 915.

(Passed February 15, 1921. Approved February 23, 1921. In effect May 10, 1921.)

## OFFICERS STATE BOARD OF EDUCATION.

An Act to amend Section 4514, Compiled Laws of Utah, 1917, pertaining to the powers of the state board of education.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 4514, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

Sec. 4514. Chairman—secretary of the board and other officers—salary. The state superintendent of public instruction shall be chairman of the state board of education. Upon the recommendation of the state superintendent, the state board of education shall have authority to appoint a secretary of the board, and such directors, supervisors, and assistants as are necessary in the administration and supervision of the public school system. The salaries of the secretary and of directors, supervisors, and assistants, shall be fixed by the state board of education, subject to the approval of the state board of examiners, and paid from such funds as may be provided by law.

Sec. 2. Repeal. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved February 23, 1921.

## CHAPTER 94.

House Bill No. 101.

Compiled Laws, 1917, p. 918.

(Passed March 5, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## REGULATING THE CONSTRUCTION OF SCHOOL BUILDINGS.

An Act relating to the filing of plans and specifications for school buildings with the state superintendent of public instruction, and repealing Section 4527, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. School building plans, approval of. No school building or addition thereto shall hereafter be contracted for or erected in any school district in this state, not included in cities of the first and second class, the cost of which exceeds \$5000.00, until the plans and specifications for the same shall have been submitted in duplicate to the state superintendent of public instruction and his approval endorsed thereon. One copy of each such approved plans and specifications shall remain on file in the office of the state superintendent of public instruction.

Sec. 2. Code for building plans. The state superintendent of public instruction shall formulate a code to govern the preparation of all plans and specifications for school buildings. Said code shall include standards for construction, heating, ventilation, sanitation, lighting, safety from fire, panic and other dangers, and for promoting the safety and health of the occupants.

Sec. 3. Architect—inspection of building, compensation. The state superintendent of public instruction is hereby charged with the enforcement of the provisions of this Act, and whenever it is necessary he may employ an architect or other expert to examine the plans and specifications of any school building or addition thereto, submitted as provided above, or to inspect any school building in course of erection. If such examination or inspection reveals non-conformity with said code, the state superintendent of public instruction shall notify the board of education erecting said building and make recommendations; and it shall be the duty of said board of education to comply therewith. The compensation and expenses of said architect or expert for the actual time so employed shall be paid out of the state school fund upon approval of the state superintendent of public instruction and the state board of examiners.

Sec. 4. Licensed architect to prepare plans. No plans or specifications of school buildings shall be approved unless prepared by a duly licensed architect.

Sec. 5. Section repealed. Section 4527, Chapter 3, Title 90, of the Compiled Laws of Utah, 1917, is hereby repealed.

Approved March 10, 1921.

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## CHAPTER 95.

House Bill No. 82. Compiled Laws, 1917, p. 920. Const., Art. 3, Sec. 4, and Art. 10, Sec. 1. (Passed February 25, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### SECTARIAN DOCTRINES IN PUBLIC SCHOOLS.

An Act prohibiting the teaching of sectarian and certain other doctrines in the district schools of this state and requiring that they be kept free from sectarian control and also providing that instruction along certain moral lines shall be given and providing a penalty for the violation of the provisions of this Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. No atheistic or religious doctrine, or sectarian control. It shall be unlawful to teach in any of the district schools of this state while in session, any atheistic, infidel, sectarian, religious, or denominational doctrine and all such schools shall be free from sectarian control.

Sec. 2. Moral instruction permitted. Nothing in this Act shall be deemed to prohibit the giving of any moral instruction tending to impress upon the minds of the pupils the importance and necessity of good manners, truthfulness, temperance, purity, patriotism, and industry, but such instruction shall be given in connection with the regular school work.

Sec. 3. Penalty. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 5, 1921.



## CHAPTER 96.

House Bill No. 41.

Compiled Laws, 1917, p. 920.

(Passed February 28, 1921. Approved March 10, 1921. In effect March 10, 1921.)

## BOARD OF EDUCATIONAL CO-ORDINATION.

An Act providing for a method of eliminating duplication of courses of study, departments and educational work in the state educational institutions by a board called "the board of educational co-ordination" and prescribing the duties of such board.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Words defined. Wherever the word "board" is used in this Act it shall mean "the board of educational co-ordination." Wherever the words "state educational institution" are used in this Act, they shall mean any state school, state commission, state board or state organization giving public instruction in educational matters.

Sec. 2. Board created. The board of educational co-ordination is hereby created to carry out the purposes and enforce the provisions of this Act, and the state board of education is hereby constituted ex-officio the board of educational co-ordination.

Sec. 3. Meetings of board—quorum. The board shall hold its first meeting at the state capitol on the second Monday in April, 1921, at two o'clock p. m., and annually thereafter. Special meetings shall be called by the chairman of the board, on his own motion, or on petition signed for that purpose by the representative member of the faculty of the university of Utah, or the representative member of the faculty of the agricultural college of Utah. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Sec. 4. Expenses only to members. No member of the board shall receive any salary or fee for his services, with the exception of the actual expenses incurred in attending meetings of the board, or in the discharge of the duties of his office.

Sec. 5. Stationery, etc. The director of finance and purchase shall provide stationery, books, stamps, etc., and shall audit all claims arising under Section 4 hereof, which are authorized by the state board, certified to by the secretary and chairman of the board, and shall be paid out of the general fund of the state as similar claims against the state are paid.

Sec. 6. To eliminate duplication. The purpose and object of the board shall be to determine which courses of study and departments shall not be duplicated in the state educational institutions and to co-ordinate the courses of study and departments of the several state educational institutions, and to direct the elimination of any duplicated work in the said institutions; and it is hereby made the duty of the board to visit such institutions for the purpose of investigating the work offered and conducted by such institutions, whenever, it may deem necessary; provided that the board is not authorized to transfer from one state educational institution to another any course of study or department prescribed for such state educational institution by the laws of Utah.

Sec. 7. Record of proceedings—changes effective. The secretary of the board shall keep a written record of the proceedings and determinations of the board, and shall notify the governor of the state of Utah and the secretaries of the boards of state educational institutions of such determinations, and it shall be the duty of such institutions to conform thereto, provided, if any changes are made in the courses of study or departments of any of the several state educational institutions, the institutions or institution affected shall be notified of such determination on or before May 1st, next following the date of said determination, and the same shall become effective at the beginning of the school year next following the date of such notification.

Sec. 8. This Act shall become effective upon approval.

Approved March 10, 1921.

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## CHAPTER 97.

House Bill No. 22.

Compiled Laws, 1917, p. 922; Laws, 1919, p. 274.

(Passed February 15, 1921. Approved February 23, 1921. In effect June 30, 1921.)

### VOCATIONAL REHABILITATION OF DISABLED PERSONS.

An Act to accept the benefits of an Act passed by the senate and house of representatives of the United States of America in congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved June 2, 1920.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Acceptance of congressional act. The state of Utah does hereby through its legislative authority accept the provisions and benefits

of the act of Congress entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920.

Sec. 2. Custodian of fund. The state treasurer is hereby designated and appointed custodian of all moneys received by the state from appropriations made by the congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon orders authorized by the state board for vocational education and approved by the state board of examiners.

Sec. 3. Board of education to co-operate with federal board—vocational training—disburse funds. The state board of education heretofore designated as the state board for vocational education in the administration of the provisions of the vocational education Act, approved February 23, 1917, is hereby designated as the state board for the purpose of co-operating with the said federal board in carrying out the provisions and purposes of said federal act providing for the rehabilitation of persons disabled in industry or otherwise and is empowered and directed to co-operate with said federal board in the administration of said act of congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise and provide for the supervision of such training and to appoint such assistants as may be necessary to administer this Act and said act of congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government and the state of Utah for the vocational rehabilitation of such persons.

Sec. 4. Board for vocational education and state industrial commission to formulate plan. It shall be the duty of the state board for vocational education and the state industrial commission to formulate a plan of co-operation in accordance with the provisions of this Act and said act of congress, such plan to become effective when approved by the governor of this state.

Sec. 5. May receive gifts—money goes to state treasury as permanent fund—expenses—report. The state board of vocational education is hereby authorized and empowered to receive such gifts and donations either from public or private sources as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the state board are proper and consistent with the provisions of this Act. All the moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund which may be invested in



such securities as may be approved by the state board of examiners, such fund to be called the special fund for said board to defray the expenses of vocational rehabilitation in special cases including payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted together with the names of the donors and the respective amounts contributed by each and all disbursements therefrom shall be submitted annually to the governor of the state and to the governor and legislature biennially by the state board.

Sec. 6. Vocational education board to report. The state board for vocational education shall make to the governor annually and to the governor and legislature biennially a report of all moneys expended for the vocational rehabilitation of persons disabled in industry or otherwise, both from state and federal funds and shall include such biennial report in the biennial report of the state board of education.

Sec. 7. This Act shall take effect June 30, 1921.

Approved February 23, 1921.

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## CHAPTER 98.

House Bill No. 164.

Compiled Laws, 1917, p. 924.

(Passed March 5, 1921. Approved March 10, 1921. In effect May 10, 1921.)

### TEXTBOOK COMMISSION.

An Act to amend Sections 4555 and 4556, Compiled Laws of Utah, 1917, pertaining to the adoption of textbooks for the public schools of the state.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 4555 and 4556, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4555. State textbook commission — duties — expenses. A state textbook commission is hereby created and established to consist of the state superintendent of public instruction, the president of the university of Utah, the president of the agricultural college of Utah, the dean of the state normal school, and five resident citizens of the state to be appointed by the governor, three of whom shall be superintendents of schools. In 1921 the governor shall appoint two members of the commission for a term of two years and three members for a term of four years; and

thereafter appointments shall be for a term of four years. Appointments to fill vacancies shall be for unexpired terms. Each commissioner shall serve without compensation, but his actual and necessary expenses incurred in the performance of his official duties, the account of which shall be verified on oath, shall be paid out of the public school fund. The members of this commission, or a majority of them, shall decide what textbooks shall be adopted for use in the district schools and the high schools of the state, except in cities of the first and the second class, and their use shall be mandatory in all district and high schools of the state, except in cities of the first and the second class.

**4556. Meetings—adoption of text books.** The state superintendent shall call a meeting of the textbook commission at least three months prior to the expiration of any contract regulating the supply and use of textbooks in the district schools and the high schools throughout the state, except in cities of the first and the second class, and shall give at least sixty days' notice of the time of holding such meeting by publication in a newspaper having general circulation in the state. Such notice shall state the subjects upon which textbooks shall be adopted and that sealed proposals will be received by the state superintendent for furnishing such books, the place where and the day and hour when all proposals will be opened, and that the textbook commission reserves the right to reject any and all proposals. A regular meeting shall be called for the adoption of textbooks every two years as herein provided. At the meeting of the commission occurring in 1923, approximately one-third of the textbooks adopted shall be for a period of four years, approximately one-third for a period of six years, and the remainder for a period of eight years. Thereafter adoptions shall be for a period of six years, approximately one-third of the textbooks in use to be selected at such regular meeting of the commission. Any textbook found unsatisfactory can be changed at any regular meeting of the commission.

Approved March 10, 1921.

## CHAPTER 99.

House Bill No. 12.

Compiled Laws, 1917, p. 928.

(Passed January 28, 1921. Approved February 4, 1921. In effect June 30, 1921.)

## INSPECTION OF HIGH SCHOOLS.

An Act to amend Sections 4581 and 4582, Compiled Laws of Utah, 1917, relating to the inspection of high schools, the compensation and expenses of such inspection.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 4581 and 4582, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4581. Inspection of high schools. The state superintendent of public instruction shall cause all high schools claiming any benefit from the high school fund, to be inspected at least once during each school year.

4582. Compensation and expenses of inspector. The compensation and traveling expenses of a person making such inspection shall be fixed by the state board of education, subject to the approval of the state board of examiners, and shall be paid out of the state high school fund upon claims properly verified by the state board of education and approved by the state board of examiners.

Sec. 2. This Act shall take effect June 30, 1921.

Approved February 4, 1921.

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CHAPTER 100.

House Bill No. 3.

Compiled Laws, 1917, p. 930; Laws, 1919, p. 277.

(Passed February 14, 1921. Approved February 23, 1921. In effect February 23, 1921.)

## INDEBTEDNESS BY BOARDS OF EDUCATION.

An Act amending Section 4596, Compiled Laws of Utah, 1917, relating to the creation of indebtedness by boards of education and validating indebtedness heretofore incurred and obligations hereafter to be issued.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 4596, Compiled Laws of Utah, is hereby amended to read as follows:



4596. Election to create indebtedness—canvass of vote—issue of bonds—tax. Immediately after the closing of the polls, the persons appointed to conduct the election shall proceed to count and canvass the ballots cast at such election and make returns thereof to the board of education, and said board of education shall within five days after such election, meet and canvass said returns, and if a majority of the ballots cast at such election are in favor of incurring and creating such additional indebtedness, then the board of education shall cause an entry of that fact to be made upon the minutes of the board; and thereupon said board of education shall be authorized and directed to borrow money to incur and create such additional indebtedness as shall be necessary to support and maintain the schools of any such school district or the schools controlled by any such board of education, for the current year or any part thereof, to the amount mentioned in the notice calling the election, at such rate of interest as may be agreed upon, issuing the negotiable notes or bonds of said district therefor, which notes or bonds shall be payable within five years after their date; and a tax shall be levied and collected upon all of the taxable property within said district sufficient in amount to pay off and discharge said indebtedness both principal and interest when the same shall become due. Any board of education within this state may issue negotiable notes or bonds of the district, as herein provided, to evidence any indebtedness authorized to be incurred at an election heretofore held under the provisions of this chapter; and all proceedings and elections heretofore held under the provisions of this chapter to authorize the incurring of indebtedness, and all notes and bonds heretofore issued by any school district to evidence such indebtedness, are hereby validated and confirmed; provided, however, that where provision has not been made for the payment of such indebtedness, a tax shall be levied and collected upon all taxable property within the district sufficient to pay and discharge such indebtedness, both principal and interest, when the same becomes due.

Sec. 2. Laws repealed. All laws and parts of laws in conflict with the provisions hereof are hereby repealed.

Sec. 3. This Act shall take effect upon its passage and approval.

Approved February 23, 1921.

## CHAPTER 101.

Senate Bill No. 33.

Compiled Laws, 1917, p. 931-2.

(Passed February 24, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## COUNTY SCHOOL DISTRICTS OF FIRST CLASS.

An Act to amend Sections 4597 and 4599, Compiled Laws of Utah, 1917, relating to the organization of county school districts of the first class and the division of such districts into representative precincts for school purposes.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 4597 and 4599, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

4597. County school districts of first class—division into representative precincts. Each county within the state shall constitute a county school district of the first class; provided that existing county school districts of the first class shall continue as such county school districts of the first class. Upon the creation of any county school district of the first class through the formation of a new county or through any other cause, the county commissioners of the county in which such district is located shall within sixty days after the creation of such district designate the name by which such district shall be known and shall divide such district into five representative precincts in the manner set forth in Section 4599, and shall appoint a member of the board of education from each representative precinct to serve on the district board of education until his successor shall be duly elected and shall have qualified; provided that in case a city school district shall be made a county school district of the first class, the members of the board of education of such city school district shall become members of the board of education of the county school district and serve during the terms for which they have been elected. If through the change of a county boundary line or through any other cause, one or more school representative precincts are taken from a county school district of the first class, the county commissioners in the county in which such district is located shall, within sixty days after such change, divide such county school district into five school representative precincts according to the manner set forth in Section 4599.

4599. Board of education, how constituted—changes in representative precincts. The board of education of each county school district of the first class shall consist of five members, one member to be elected from and by each of said precincts. The board of county commissioners in which such county school district is located shall, during the month of

October, 1921, and every ten years thereafter, divide the district into five representative school precincts and thereafter members of the board of education shall be elected in accordance with such redistricting. If by reason of such redistricting the boundary lines of any representative precinct are so changed that the member of the board from such precinct becomes a non-resident thereof, then and in that event such member shall be permitted to retain his membership during the term for which he was elected.

Approved March 5, 1921.

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## CHAPTER 102.

House Bill No. 169.

Compiled Laws, 1917, p. 932; Laws, 1919, p. 278.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### ELECTION OF SCHOOL BOARDS.

An Act to amend Sections 4602 and 4666, Compiled Laws of Utah, 1917, as amended by Chapter 89, Session Laws of Utah, 1919, relating to the election of school boards.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 4602 and 4666, Compiled Laws of Utah, 1917, as amended by Chapter 89, Session Laws of 1919, be and the same are hereby amended to read as follows:

4602. Elections—conduct—candidates—duty of board of education Elections for members of the board shall be called and conducted, and the canvass of returns shall be made, and the qualification of electors shall be as provided in the general registration and election laws, except as in this section hereinafter provided. There must be at least one voting place in each school representative precinct. It shall be necessary for each candidate, or at least five citizens in behalf of the candidate, to file with the clerk of the board of education not less than fifteen days next preceding the day of the election, a signed statement announcing that he or she is a candidate, and said clerk shall immediately thereafter furnish a list of said candidates to any citizen who may call upon him for the same. Appointments of judges of election shall be made by the board of education at any convenient time prior to the day of election. The board of education shall furnish the judges of election at every polling place with a sufficient number of official ballots for



election purposes and shall pay all other lawful and necessary expenses of the election. The election shall in all other respects be conducted in accordance with the general election laws of the state. The board of education shall exercise all such powers relative to school elections in their respective districts as are conferred upon the board of county commissioners in other elections, so far as conformable with this chapter.

4666. Election of boards in city school districts—candidates—procedure. Elections for members of the board shall be called and conducted, and the canvass of returns shall be made, and the qualifications of electors shall be as provided in the general registration and election laws, except as in this section hereinafter provided. There must be at least one voting place in each municipal ward. It shall be necessary for each candidate, or at least five citizens in behalf of the candidate, to file with the clerk of the board of education not less than fifteen days next preceding the date of election, a signed statement announcing that he or she is a candidate, and said clerk shall immediately thereafter furnish a list of said candidates to any citizen who may call upon him for the same. Appointments of judges of election shall be made by the board of education at any convenient time prior to the day of election. The board of education shall furnish the judges of election at every polling place with a sufficient number of official ballots for election purposes and shall pay all other lawful and necessary expenses of the election. The election shall in all other respects be conducted in accordance with the general election laws of the state. The board of education shall exercise all such powers relative to school elections in their respective cities as are conferred upon the board of county commissioners in other elections, so far as conformable with this chapter.

Approved March 17, 1921.

## CHAPTER 103.

House Bill No. 21.

Compiled Laws, 1917, p. 934, 945.

(Passed February 28, 1921. Approved March 10, 1921. In effect June 30, 1921.)

## SCHOOL REPORTS AND CENSUS.

An Act amending Sections 4608, 4610, 4611, 4672, 4674 and 4675, Compiled Laws of Utah, 1917, pertaining to school reports and the annual school census.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—sections added. That Sections 4608, 4610, 4611, 4672, 4674 and 4675, Compiled Laws of Utah, 1917, be and these sections are hereby amended to read as follows:

Sec. 4608. School year—reports. The school year shall commence on the first day of July annually, and close the last day of June following. The annual reports of the president, the superintendent, and the several committees shall be presented to the board at or before the first regular meeting in August of each year; and the financial and statistical reports of the board for the past school year, containing such items as shall be required by law or by the state superintendent, shall be forwarded to the state superintendent on or before August 15th of each year.

Sec. 4610. Annual school census—time. The board of education shall appoint suitable persons for each school representative precinct, who shall act as enumerators for school population for said precinct, and visit every house therein between the 15th and 31st of October of each year, and ascertain and enter upon the lists the name of every person residing in such precinct who on October 31st of that year shall have reached the age of six and shall not have reached the age of eighteen. Provided, that all children between said ages attending other than the district or public high schools outside the district in which they reside, shall be enumerated in their home district. Such enumeration lists shall contain all information required by law, and such other information as the state superintendent or the board of education may require.

Sec. 4611. Filing with board—report to state superintendent. The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the tenth day of November. Immediately thereafter the clerk of the board shall make out and forward to the state superintendent a statement showing the number of children of school age residing in the district, together with all other information obtained under the provisions of the next preceding section that may be required by the state superintendent.

Sec. 4672. **School year—reports.** The school year shall commence on the first day of July annually, and close on the last day of June following. The annual reports of the president, the superintendent, and the several committees shall be presented to the board at or before the first regular meeting in August of each year; and the financial and statistical reports of the board for the past school year, containing such items as shall be required by law or by the state superintendent, shall be forwarded to the state superintendent on or before August 15th of each year.

Sec. 4674. **Annual school census—time.** The board of education shall appoint suitable persons for each ward, who shall act as enumerators for school population for said ward, and visit every house therein between the 15th and 31st of October of every year, and ascertain and enter upon the lists the name of every person residing in such ward who on October 31st of that year shall have reached the age of six and shall not have reached the age of eighteen. Provided, that all children between said ages attending other than the district or public high schools outside the district in which they reside, shall be enumerated in their home district. Such enumeration lists shall contain all information required by law, and such other information as the state superintendent or the board of education may require.

Sec. 4675. **Filing with board—report to state superintendent.** The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the tenth day of November. Immediately thereafter the clerk of the board shall make out and forward to the state superintendent a statement showing the number of children of school age residing in the district, together with all other information obtained under the provisions of the next preceding section that may be required by the state superintendent.

Sec. 2. This Act shall take effect June 30, 1921.

Approved March 10, 1921.



## CHAPTER 104.

House Bill No. 176.

Compiled Laws, 1917, p. 950.

(Passed March 5, 1921. Approved March 10, 1921. In effect May 10, 1921.)

ADOPTION OF TEXTBOOKS FOR SCHOOLS IN CITIES OF  
FIRST AND SECOND CLASS.

An Act to amend Section 4695, Compiled Laws of Utah, 1917, pertaining to the adoption of textbooks for the public schools of cities of the first and the second class.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 4695, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

4695. Selection of text books—time of use. In each city of the first and of the second class the board of education shall decide what textbooks shall be adopted in all public schools of the city, and their use shall be mandatory therein for the period of adoption. The board of education shall meet as a textbook commission for the purpose of adopting textbooks every two years, beginning in 1922. In 1922 approximately one-third of the textbooks adopted shall be for a period of four years, approximately one-third shall be for a period of six years, and the remainder for a period of eight years. Thereafter adoptions shall be for a period of six years, approximately one-third of the textbooks in use to be adopted at each biennial meeting of the board called for the adoption of textbooks. At any biennial meeting, any textbook found unsatisfactory can be changed by the board.

Approved March 10, 1921.

## CHAPTER 105.

House Bill No. 91.

Compiled Laws, 1917, p. 955.

(Passed March 10, 1921. Approved March 21, 1921. In effect May 10, 1921.)

## SPECIAL SCHOOLS.

An Act to amend Sections 4721, 4722, 4723, 4727, 4728, and 4729, Compiled Laws of Utah, 1917, and to repeal Sections 4724, 4725 and 4726, Compiled Laws of Utah, 1917, and enacting a new section, to be known as Section 4730, providing for the establishment of special schools and classes, in all school districts and for the transfer of children thereto and their discharge therefrom; providing for the manner of bearing the expense thereof and for the appointment of school attendance officers and clinical psychologists to work in connection therewith.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—section added. That Sections 4724, 4725, and 4726, Compiled Laws of Utah, 1917, be and hereby are repealed, and that Sections 4721, 4722, 4723, 4727, 4728, and 4729, be and hereby are amended to read as follows, and adding a new section to be known as Section 4730.

Sec. 4721. Special schools—who may provide. The board of education of any city of the first class shall or the boards of education of any other school district, under a contract to be approved by each of such boards, may provide for the establishment and maintenance of special schools and classes and for the support and education of the children transferred to them under the provisions of this chapter.

4722. Transfer of pupil to special school. Any child between the ages of eight and eighteen years, residing within the city or cities maintaining such special schools or classes, who in the judgment of the board of education of such city, is not receiving care, training and education adapted to his special needs, or who has become, or is in danger of becoming a delinquent child, within the meaning of Section 1829, Compiled Laws of Utah, 1917, or a dependent or neglected child within the meaning of Section 1835, Compiled Laws of Utah, 1917, shall, with the consent of the parent or parents, custodian or guardian of such child, be transferred to a special school or class, provided for the purpose, for a term not extending beyond the age of eighteen years.

4723. Release of child transferred. Any child transferred to, or cared for, in such special schools or classes, may be released therefrom either

conditionally or absolutely in accordance with the by-laws established by the boards or boards of education maintaining the same.

4727. Cost to be met by parent or guardian—except. Any board or boards of education maintaining a special residential school, under the provisions of Section 4721, shall estimate and determine, as near as may be, the average actual expense per month of keeping and taking care of the boys and girls who may be transferred to such special residential school, and the average cost of keeping such boys and girls shall be wholly paid by the parent or guardian of each boy or girl transferred to the school, unless for good cause said board or boards of education shall otherwise order and direct. The board of education of the city in which the parent or guardian of any such transferred boy or girl resides may bring suit to enforce this provision.

4728. Children from other districts. On the tender of payment which shall meet all costs of support at a special school or class, the board or boards of education maintaining such special school or class, may receive into it on equal terms boys or girls whose residence is in the state outside the city or cities to which the school belongs.

4729. School attendance officer, etc. The board of education of each such city, shall appoint and fix the compensation of a school attendance officer and such other assistants as shall be deemed necessary, whose duty it shall be to aid the school board in carrying out the provisions of this chapter. The police authorities of the city shall make such attendance officer and his assistants special policemen.

4730. Clinical psychologist. The board of education of each such city, or the board of education of any two or more such cities, may appoint and fix the compensation of a clinical psychologist and such assistants as may be deemed necessary, whose duty it shall be to aid the school board or boards in carrying out the provisions of this chapter.

Approved March 21, 1921.



## CHAPTER 106.

House Bill No. 11.

Compiled Laws, 1917, p. 956; Laws, 1919, p. 287.

(Passed January 28, 1912. Approved February 16, 1921. In effect June 30, 1921.)

## DIRECTOR OF AMERICANIZATION SCHOOL ABOLISHED.

An Act repealing Section 6, of Chapter 93, Laws of Utah, 1919, relating to Americanization schools and terminating the term of office of the director thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section repealed—office abolished. That Section 6, of Chapter 93, of the Laws of Utah, 1919, is hereby repealed. Upon the taking effect of this Act the term of office of the person now holding the office of director of Americanization is hereby terminated.

Sec. 2. This Act shall take effect June 30, 1921.

Approved February 16, 1921.

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CHAPTER 107.

House Bill No. 65.

Compiled Laws, 1917, p. 956; Laws, 1919, p. 283.

(Passed February 26, 1921. Approved March 5, 1921. In effect March 5, 1921.)

## BOARDS OF EDUCATION AND PART-TIME SCHOOLS.

An Act to amend Section 3, Chapter 92, Session Laws of Utah, 1919, relating to duties of boards of education and other county and state officers.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 3, Chapter 92, Session Laws of Utah, 1919, be and the same is hereby amended to read as follows:

Sec. 3. Offenses—duties of board of education and juvenile court officers. It shall be the duty of the board of education of every district within its respective jurisdiction to inquire into all cases of misdemeanor defined in this title; and to report the same and the offenders concerned, when

known, to the juvenile court of the district within which the offense shall have been committed and it is hereby made the duty of the officers of said juvenile court to proceed immediately to investigate and take the necessary action.

Sec. 2. This Act shall take effect upon approval.

Approved March 5, 1921.

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## CHAPTER 108.

House Bill No. 92.

Compiled Laws, 1917, p. 956; Laws, 1919, p. 285.

(Passed February 26, 1921. Approved March 9, 1921. In effect May 10, 1921.)

### AMERICANIZATION SCHOOLS.

**An Act to amend Sections 2 and 5, Chapter 93, Session Laws, 1919, and enacting certain new sections to be known as 5x, 5x1, and 5x2, relating to registration for instruction, penalty for non-registration, and instruction fee for Americanization school.**

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections added—sections amended. That there are hereby enacted certain sections to be known as 5x, 5x1, 5x2, and that Sections 2 and 5, Chapter 93, Session Laws, 1919, be and the same are hereby amended to read as follows:

Sec. 2. Evening schools for illiterate aliens. Every alien person residing in this state, except those who may be physically or mentally disqualified, between the ages of sixteen and thirty-five years, who does not possess such ability to speak, read, and write the English language as is required for the completion of the fifth grade of the public schools of the state, shall attend a public evening school class for at least four hours a week during the entire time an evening school class of the proper grade shall be in session in that district within two and one-half miles of his place of residence, or until the necessary ability has been acquired; provided, that regular attendance at a public day school or part-time school shall be accepted in place of attendance at an evening school class. The determination of the persons subject to the provisions of this section shall be made by examination to be held under rules to be prescribed by the state board of education. The board of trustees of any school district or the state board of education may direct any persons to take these examinations and the failure of such persons to

take the examinations except for good cause shall be taken as evidence that they are subject to the provisions of this section.

Sec. 5. Salaries of teachers, etc.—how paid. The salaries of teachers and the expenses of supervisors of evening classes established under the provisions of this Act shall be paid from the Americanization fund. Such payments shall be made only upon the sworn statements of expenditures for salaries of teachers and expenses of supervision under rules to be made by the state board of education. No payments shall be made for salaries of teachers in classes established under the provision of Section 4 of this Act unless such classes shall have been conducted for the minimum time therein stated, except by special action of the state board of education.

Sec. 5x. Aliens to register. On or before the first day of September of each year, every alien person residing in the state of Utah subject to the provisions of this Act shall appear at the office of the city or the district superintendent of schools of the city or district of which he is a resident or at a place designated by the superintendent of schools and shall there register for instruction according to such form as shall be prescribed by the state board of education.

Sec. 5x1. Penalty for failure. Any person subject to the provisions of this Act who wilfully violates the provisions of Section 7 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$15.00, and not more than \$25.00. The parent or guardian of any person under twenty-one years of age who is subject to the provisions of this Act shall be held responsible for his registration.

Sec. 5x2. Instruction fees—disposal. At the time of registration for instruction each person subject to the provisions of this Act shall be required to pay an instruction fee of \$10.00 to the city or district superintendent of schools or to a person designated by him. On or before the first day of October of each year the city or district superintendent shall pay the total amount of such fees collected to the state treasurer who shall credit the same to the Americanization fund. All moneys credited to the Americanization fund shall be administered as provided by law under the direction of the state superintendent of public instruction.

Approved March 9, 1921.



## CHAPTER 109.

Senate Bill No. 67.

Compiled Laws, 1917, p. 958.

(Passed March 8, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## TEACHERS' RETIREMENT FUND.

An Act to amend Section 4758, Compiled Laws of Utah, 1917, relating to teachers' pensions in cities of the first and second class.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 4758, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

4758. What constitutes teachers' retirement fund. The income of the public school teachers' retirement association shall be from the following sources:

1. All teachers who are members of a teachers' retirement association in cities of the first and the second class shall have deducted from each and every pay roll in payment for services, 1 per cent of the face of said pay roll, and the amount of such deduction shall be certified to and paid by the clerk of the board of education monthly to the treasurer of the association; provided, that an annual salary of \$1200 shall be the maximum salary on which dues shall be paid, and if any teacher shall receive a salary in excess of such sum, then the deduction shall be made on \$1200 only;

2. The board of education shall pay an amount equal to the total amount paid to the public school teachers' retirement association fund by or on behalf of all teachers during each year under the provisions of subdivision 1 of this section, such amount to be certified to semi-annually by the clerk of the board of education and by him paid semi-annually to the treasurer of the association;

3. All moneys received from donations, legacies, bequests, or otherwise, for or on account of said fund.

Approved March 10, 1921.

## CHAPTER 110.

Senate Bill No. 7.                      Compiled Laws, 1919, p. 309. (Special Session, 1919, p. 28.)  
(Passed February 8, 1921. Approved February 23, 1921. In effect May 10, 1921.)

## REAL ESTATE DEPARTMENT.

An Act to define real estate brokers and real estate salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department under the supervision and direction of the state securities commission; and to provide for the enforcement of said Act and penalties for the violation thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. License for real estate dealer. It shall be unlawful for any person, firm, partnership, association, co-partnership, or corporation from and after July 1, 1921, to engage in the business, or act in the capacity of a real estate broker or a real estate salesman within this state without first obtaining a license under the provisions of this Act.

Sec. 2. Broker and salesman defined—exceptions. A real estate broker within the meaning of this act is any person, firm, partnership, association, co-partnership or corporation, who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy or negotiates the purchase or sale or exchange of real estate for others, as a vocation. A real estate salesman within the meaning of this Act is any person who for a compensation or valuable consideration is employed either directly or indirectly by a licensed real estate broker to sell or offer to sell, or buy or offer to buy, or to negotiate the purchase or sale or exchange of real estate for others as a vocation. The provisions of this Act shall not apply to any person, firm, partnership, association, co-partnership or corporation who as owner or lessor shall perform any of the acts aforesaid with reference to property owned by them, nor shall the provisions of this Act apply to persons holding a duly executed power of attorney from the owner for the sale, leasing, or exchange of real estate, nor shall this Act be construed to include in any way the services rendered by an attorney at law in the performance of his duties as such attorney at law, nor shall it be held to include a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court, nor to a trustee selling under a deed of trust.

Sec. 3. Act constituting broker, etc. One acting for a compensation or valuable consideration of buying or selling real estate of or for another,

or offering for another to buy or sell or exchange real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, association, co-partnership or corporation performing, offering or attempting to perform any of the acts enumerated herein, a real estate broker or a real estate salesman within the meaning of this Act.

**Sec. 4. Enforcement of act.** It shall be the duty of the state securities commission, hereinafter referred to as the "commission," to administer and provide for the enforcement of all the provisions of this Act.

**Sec. 5. Fees to state treasurer.** All fees and charges collected by the commission, accompanied by a detailed statement thereof, shall be paid into the state treasury each month and credited to the state securities commission fund.

**Sec. 6. Applications for license—rules.** All applications for license shall be made in writing to the commission. Such application shall be also accompanied by the recommendation of at least two citizens, real estate owners, not related to the applicant, who have owned real estate for a period of one year or more, to the value of \$1000 or more, in the county in which said applicant resides, or has his place of business, which recommendation shall certify that the applicant bears a good reputation for honesty, competency and fair dealing, and recommending that a license be granted to the applicant. Every applicant for a license shall furnish a sworn statement setting forth his present address, both of business and residence, the complete address of all former places where he may have resided or been engaged in business, or acted as a real estate salesman, for a period of sixty days or more, during the last five years, and the length of such residence, together with the name of at least one real estate owner in each of the said counties where he may have resided, engaged in business, or acted as a salesman. Every application for a broker's license shall also state the name of the person, firm, partnership, association, co-partnership or corporation, and the location of the place, or places, for which said license is desired, and set forth the period of time, if any, which said applicant has been engaged in the business, and shall be made by such person, or by an officer or member thereof. Every real estate broker shall be a resident of and maintain a place of business in this state. In case a real estate broker maintains more than one place of business within this state, a duplicate license shall be issued to such broker for each branch office so maintained. Each duplicate license shall be issued at a cost of 25 per cent of the original. Every applicant for a salesman's license shall, in addition to the requirements of this section, also set forth the period of time, if any, during which he has been engaged in the business, stating the name of his last employer, and the name of the place of business of the person, firm, partnership, association, co-partnership or



corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by a written statement by the broker in whose employ he is to enter stating that in his opinion the applicant is honest, truthful and of good reputation, and recommending that the license be granted to the applicant. The commission shall have the right to prescribe the form of application for all licenses. The commission is hereby authorized to require and procure any and all satisfactory proof as shall be deemed desirable in reference to the honesty, truthfulness, reputation and competency of any applicant for a real estate broker's or salesman's license or of any of the officers or members of any such applicant prior to the issuance of any such license. The commission is expressly vested with the power and authority to make, prescribe and enforce any and all such rules and regulations connected with the application for any license, as shall be deemed necessary to administer and enforce the provisions of this Act.

Sec. 7. Form of license—change of license—pocket-card. The commission shall issue to each licensee a license in such form and size as shall be prescribed by the commission. This license shall show the name and address of the licensee and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to conspicuously display his license in his place of business. Notice in writing shall be given to the commission by each licensee of any change of principal business location. Whereupon the commission shall issue a new license for the unexpired period at a cost of 25 per cent of the original. A change of business location without notification to the commission and without the issuance by it of a new license shall automatically cancel the license theretofore issued. The commission shall prepare and deliver to each licensee a pocket card, not larger than two and one-fourth inches in width and three and three-fourths inches in length, which card among other things shall contain the name and address of the employer, and shall contain an imprint of the seal of the commission and shall certify that the person whose name appears thereon is a licensed real estate salesman or real estate broker, as the case may be, the matter to be printed on such pocket card, except as above set forth, shall be prescribed by the commission.

Sec. 8. Return of license and card. When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed it shall be the duty of such

real estate broker to immediately deliver or mail by registered mail to the commission such real estate salesman's license. The real estate broker shall at the time of mailing such real estate salesman's license to the commission address a communication to the last known residence address of such real estate salesman, which communication shall advise said real estate salesman that his license has been delivered or mailed to the commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act either directly or indirectly under authority of said license from and after the date of receipt of the said license from said broker by the commission; provided, that another license shall not be issued to such real estate salesman until he shall return his former pocket card to the commission or shall satisfactorily account to it for same; provided further, that not more than one license shall be issued to any real estate salesman for the same period of time.

Sec. 9. Fees—license expires annually. The first annual fee for each real estate broker's license shall be twenty dollars and a renewal shall be ten dollars. The first annual fee for each real estate salesman's license shall be three dollars and a renewal shall be two dollars. Each real estate broker's license which may be granted to an individual shall entitle such individual to perform all of the acts contemplated by this Act without any further application upon his part and without payment of any fee other than the real estate broker's annual fee. Each real estate broker's license granted to any firm, partnership, association, co-partnership or corporation consisting of more than one person shall entitle such real estate broker to designate one of its officers or members, who upon compliance with the terms of this Act shall without the payment of any further fee, upon issuance of said broker's license be entitled to perform all of the acts of a real estate salesman contemplated by this Act. The person so designated, however, must make application for a salesman's license, which application shall accompany the application of the real estate broker, and be filed with the commission at the same time as the application of the real estate broker for license. If in any case the person so designated by a real estate broker shall be refused a license by the commission or in case such person ceases to be connected with such real estate broker, said broker shall have the right to designate another person, who shall make application as in the first instance. Every application for a license under the provisions of this Act shall be accompanied by the license fee herein prescribed and every license shall expire on the thirty-first day of December of each year. In the absence of any reason or condition which might warrant the refusal of the granting of a license, the commission shall issue a new license for each ensuing year upon receipt of the written request of the applicant and the annual

fee therefor as herein required. The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such a license shall be issued without charge if granted during the same year in which original license was granted.

Sec. 10. Accepting commission unlawful—when. It shall be unlawful for any real estate salesman to accept a commission or valuable consideration for the performance of any of the acts herein specified from any person, except his employer, who must be a licensed real estate broker.

Sec. 11. Revocation of license—liability of dealer. The commission may upon its own motion and shall upon the verified complaint in writing of any person, investigate the actions of any real estate broker or real estate salesman or any person who shall assume to act in either such capacity within this state and shall have the power to revoke any license issued under the provisions of this Act at any time where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

(a) Making any substantial misrepresentation, or

(b) Making any false promises of a character likely to influence, persuade or induce, or

(c) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen or advertising or otherwise, or

(d) Acting for more than one party in a transaction without the knowledge of all the parties thereto, or

(e) Representing, or attempting to represent, a real estate broker other than the employer, without the express knowledge and consent of the employer, or

(f) Failure to account for or to remit for any moneys coming into his possession which belongs to others, or

(g) Paying a commission or valuable consideration to any person not licensed under the provisions of this Act, or

(h) Has demonstrated unworthiness or incompetency to act as a real estate broker or salesman in such manner as to safeguard the interests of the public, or

(i) Any other conduct whether of the same or a different character than hereinbefore specified, which constitutes dishonest dealing.

This Act shall not be construed to relieve any person from civil liability or criminal prosecution under the general laws of this state.



Sec. 12. **Hearing on charges.** The commission shall, before suspending or revoking any license and at least ten days prior to the date set for the hearing, notify in writing the holder of such license of any charges made and shall afford said licensee an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of same personally to the licensee or by mailing same by registered mail to the last known business address of such licensee. If said licensee be a salesman, the commission shall also notify the broker employing him of the charges by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person in this state or take testimony of any such person by deposition, with the same fees and mileage in the same manner as prescribed by law in judicial procedure in courts of this state in civil cases. If the commission shall determine that any licensee is guilty of a violation of any of the provisions of this Act, said license shall be revoked.

Sec. 13. **Unlawful act—cause for revocation.** Any unlawful act or violation of any of the provisions of this Act upon the part of any real estate salesman, or employee, or of any officer or member of a licensed real estate broker, shall be cause for the revocation of the license of such real estate broker.

Sec. 14. **Publish list of licensees.** The commission shall at least semi-annually publish a list of the names and addresses of all licensees licensed by it under the provisions of this Act, and of all persons whose license has been suspended or revoked within one year, together with such other information relative to the enforcement of the provisions of this Act as it may deem of interest to the public. One of such lists shall be mailed to the county clerk in each county of the state and shall be held by said county clerk as a public record. Such lists shall also be mailed by the commission to any person in the state upon request, and to each person holding a broker's or salesman's license.

Sec. 15. **"Unconstitutional" reservation.** Should the courts declare any section or provision of this Act unconstitutional, such decision shall affect only the section or provision so declared to be unconstitutional and shall not affect any other section or part of this Act.

Sec. 16. **Penalty.** Any person, firm, partnership, association, co-partnership or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and punishable by a fine in any sum not to exceed \$1000, or by imprisonment in the county jail for a period not to exceed one year or by both such fine and imprisonment.

Approved February 23, 1921.

## CHAPTER 111.

House Bill No. 33.

Compiled Laws, 1917, p. 1002.

(Passed February 2, 1921. Approved February 10, 1921. In effect May 10, 1921.)

## DATE FOR VALIDATING INSTRUMENTS OF RECORD.

An Act to amend Section 4911, Compiled Laws of Utah, 1917, relating to instruments of writing copied into the books of record of the office of county recorders of the several counties.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 4911 of the Compiled Laws of Utah, 1917, is hereby amended to read as follows:

4911. Notice imparted. All instruments of writing that were, previous to January 1, 1921, copied into the books of record of the office of the county recorders of the several counties of this state shall, after that date, impart to subsequent purchasers and incumbrancers, and to all other persons whomsoever, notice of the contents of all such instruments, so far as and to the extent that the same may be found recorded, copied, or noted in the said books of record, notwithstanding any defect, omission, or informality existing in the execution at the time of acknowledgment, certificate of acknowledgment, recording, or certificate of recording the same; and all such instruments, and the records or authenticated copies of the records thereof, shall be admissible in evidence, notwithstanding such defects or omissions; but nothing herein contained shall be construed to affect any right or title acquired prior to that date by subsequent purchasers, incumbrancers, or assignees.

Approved February 10, 1921.

CHAPTER 112.

House Bill No. 116. Compiled Laws, 1917, p. 1026; Laws, 1919, p. 290.  
(Passed March 10, 1921. Approved March 14, 1921. In effect May 10, 1921.)

SALARIES OF COUNTY OFFICERS.

An Act to amend Section 5087, Compiled Laws of Utah, 1917, as amended by Chapter 97, Laws of Utah, 1919, and Section 5088, Compiled Laws of Utah, 1917, relating to annual salaries of county officers, and providing for the fixing of the same.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Section 5087, Compiled Laws of Utah, 1917, as amended by Chapter 97, Laws of Utah, 1919, and Section 5088, Compiled Laws of Utah, 1917, be amended to read as follows:

5087. Annual salaries of county officers. The annual salaries of the officers of all counties in the state shall be fixed by the respective boards of county commissioners at not to exceed the following maximum amounts; provided, that should the respective boards of county commissioners, or any of them, fail to fix the salary of any of the county officers as provided for in this section, the salary of the predecessor of said officer or officers whose salary has not been fixed, shall apply:

	Class	Class	Class	Class	Class	Class	Class	Class
	1	2	3	4	5	6	7	8
Commissioners . . . .	3500	850	700	600	600	550	550	550
Sheriff . . . . .	3500	1800	1500	1500	1400	1300	1300	1300
Assessor . . . . .	3000	2400	1500	1500	1400	1240	1200	1200
Clerk . . . . .	3200	1800	1500	1500	1400	1300	1800	1300
Recorder . . . . .	3000	1800	1500	1500	1150	1100	1050	1000
Treasurer . . . . .	3300	1800	1500	1500	1400	1300	1300	1300
Attorney . . . . .	3500	1800	1500	1500	1100	1000	1000	1000
Surveyor . . . . .	3000	1000	1000	500	450	400	350	350
Auditor . . . . .	3000	....	....	....	....	....	....	....
	Class	Class	Class	Class	Class	Class	Class	Class
	9	10	11	12	13	14	15	
Commissioners . . . . .	400	400	300	300	200	150	150	
Sheriff . . . . .	1250	1250	1200	1200	800	750	400	
Assessor . . . . .	1000	1000	1000	800	600	500	500	
Clerk . . . . .	1300	1000	1200	1000	800	750	500	
Recorder . . . . .	1200	1000	1200	900	750	550	400	
Treasurer . . . . .	1000	900	800	600	500	400	250	
Attorney . . . . .	800	1000	1000	1000	750	500	500	
Surveyor . . . . .	350	350	350	350	350	350	350	



Sec. 5088. **When fixed** The board of county commissioners of each county shall bi-annually, at a meeting held at least three months prior to the election for county officers, fix and determine the salaries of county officers, for whom maximum salaries are fixed, for the two years next succeeding; provided, that the board of county commissioners of counties of the first class that have an assessed valuation of two hundred million dollars or more, shall at a meeting held within thirty days of the passage of this Act, fix and determine the salaries of county officers in accordance with the foregoing section; and, provided further, that the salaries of such officers shall not be reduced for the term for which they were elected and shall have qualified.

Sec. 2. This Act shall take effect upon approval.

Approved March 14, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

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## CHAPTER 113.

House Bill No. 186.

Compiled Laws, 1917, p. 1028.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### FALSE BRANDING OF GOODS.

An Act prohibiting the false branding, representation or offering for sale of goods, wares or merchandise as having been made, produced or manufactured in Utah, and providing a penalty therefor.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. **False branding of goods.** That it shall be unlawful for any person, firm, association of persons, or corporation, or any officer, agent, servant or employee thereof, to sell, offer for sale, brand, advertise, circulate or display any goods, wares or merchandise, of any kind or character whatsoever, as having been made, produced or manufactured within this state, when in truth and in fact the same was not made, produced or manufactured within this state.

Sec. 2. **Penalty.** Any person, firm, association of persons, or corporation, or any officer, agent, servant or employee thereof, violating any of the provisions of this Act shall, upon conviction therefor, be punished by a fine of not more than \$250.00 or by imprisonment in the county jail for a period of not exceeding sixty (60) days.

Approved March 17, 1921.

## CHAPTER 114.

House Bill No. 42.

Compiled Laws, 1917, p. 1051; Laws, 1919, p. 292.

(Passed February 23, 1921. Approved March 5, 1921. In effect March 5, 1921.)

## FEES AT AGRICULTURAL COLLEGE AND STATE UNIVERSITY.

An Act to amend Section 5252, Compiled Laws of Utah, 1917, as amended by Chapter 98, Laws of Utah, 1919, relating to entrance and tuition fees in the Agricultural College of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 5252, Compiled Laws of Utah, 1917, as amended by Chapter 98, Laws of Utah, 1919, is hereby amended to read as follows:

5252. Entrance fees—tuition—boards meet conjointly—moneys to state treasury. Instruction in the preparatory and regular courses in the agricultural college of Utah, shall be free, but an entrance fee not less than \$25.00 for legal residents and not less than \$50.00 for non-residents, shall be required annually, provided, however, that the president of the agricultural college of Utah, may admit free of all entrance fees, meritorious and impecunious students who are legal residents to a number not exceeding ten per cent of the regular bona fide students registered at the agricultural college of Utah. The entrance fees of the university of Utah and the agricultural college of Utah shall be the same, and on or before the last Friday in February of each year at a time and place to be designated by the secretary of state, the board of trustees of the agricultural college of Utah shall meet conjointly with the board of regents of the university of Utah to determine the entrance fees of the university of Utah and the agricultural college of Utah for the next succeeding school year. The secretary of state shall notify in writing each and every member of the two boards of the time and place of said conjoint meeting and the secretary of state shall preside over said conjoint meeting. The board of trustees may fix a reasonable charge for instruction in special studies not embraced in the regular course. All moneys received for entrance and tuition fees, or for sale of animals, shall be covered into the state treasury at the close of each month, and shall be placed to the credit of the maintenance account of the agricultural college of Utah. A detailed report of the amounts collected from all sources, duly verified by the proper officers of said college, shall be filed with the state auditor and state treasurer at the time such moneys are deposited with the state treasurer.

Sec. 2. This Act shall take effect upon its passage and approval.

Approved March 5, 1921.

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## CHAPTER 115.

House Bill No. 45.

Compiled Laws, 1917, p. 1080.

(Passed February 23, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### COURSES OF STUDY IN AGRICULTURAL COLLEGE.

An Act to amend Section 5247, Compiled Laws of Utah, 1917, relating to the courses of study in the Agricultural College of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 5247 of the Compiled Laws of Utah, 1917, is hereby amended to read as follows:

5247. Courses of study in agricultural college—restrictions. The courses of study in the agricultural college, until otherwise provided for by law, shall comprise agriculture, horticulture, forestry, animal industry, veterinary science, domestic science and art, elementary commerce, elementary surveying, instructions in irrigation as applied to the measurement, distribution and application of water for agricultural purposes, for which a degree of engineering in agriculture may be given, military science and tactics, history, language and the various branches of mathematics, physical and natural science and mechanic arts and pedagogy with special reference to the liberal and practical education of the industrial classes. But the agricultural college shall not offer courses in liberal arts, the profession of law or medicine or engineering, except agricultural engineering. There shall be no degree in education or pedagogy awarded by the agricultural college of Utah.

Approved March 5, 1921.



## CHAPTER 116.

House Bill No. 44.

Compiled Laws, 1917, p. 1089.

(Passed February 23, 1921. Approved March 3, 1921. In effect May 10, 1921.)

## COURSE OF STUDY IN STATE UNIVERSITY.

An Act to amend Section 5522, Compiled Laws of Utah, 1917, relating to the courses of study in the University of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 5522 of Compiled Laws of Utah, 1917, is hereby amended to read as follows:

5522. Courses of study—restrictions. The university, until otherwise provided for by law, shall be the highest branch of the system of public education. As far as practicable its courses and methods shall be arranged to supplement the instruction of the subordinate branches of such system, with a view to afford a thorough education to students of both sexes in the arts, the sciences, literature and the civil professions, including engineering; but the university must not include in its courses agriculture, except elementary agriculture, as is, or may be prescribed in the normal course, horticulture, animal industry, veterinary science and instruction in irrigation as applied to the measurement, distribution and application of water for agricultural purposes. There shall be no degree in domestic science and art awarded by the university of Utah.

Approved March 3, 1921.

## CHAPTER 117.

House Bill No. 43.

Compiled Laws, 1917, p. 1049, 1092; Laws, 1919, p. 292.

(Passed February 23, 1921. Approved March 3, 1921. In effect March 3, 1921.)

## FEES AT STATE UNIVERSITY AND AGRICULTURAL COLLEGE.

An Act to amend Section 5539, Compiled Laws of Utah, 1917, as amended by Chapter 98, Laws of Utah, 1919, relating to entrance and tuition fees of the university of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 5539, Compiled Laws of Utah, 1917, as amended by Chapter 98, Laws of Utah, 1919, is hereby amended to read as follows:

5539. Entrance fees—tuition—boards meet conjointly—moneys to state treasury—no partisan or religious doctrine. Instruction in the regular courses in the university of Utah shall be free, but an entrance fee not less than \$25.00 for legal residents, and not less than \$50.00 for non-residents, shall be required annually, provided, however, that the president of the university of Utah may admit, free of all entrance fees, meritorious and impecunious students who are legal residents to a number not exceeding ten per cent of the regular bona fide students registered at the university of Utah. The entrance fees of the university of Utah and the agricultural college of Utah shall be the same, and on or before the last Friday in February of each year, at a time and place to be designated by the secretary of state, the board of regents of the university of Utah shall meet conjointly with the board of trustees of the agricultural college of Utah to determine the entrance fees of the university of Utah, and the agricultural college of Utah for the next succeeding school year. The secretary of state shall notify in writing each and every member of the two boards of the time and place of said conjoint meeting and the secretary of state shall preside over said conjoint meeting. The board of regents must fix and require an annual tuition for each of the other courses of the university of Utah in a sum not exceeding \$75.00 for residents of Utah and not exceeding \$150.00 for non-residents. No partisan, political, or sectarian religious doctrine shall be taught or inculcated in the university, nor any political or religious test shall be required as a qualification of any student, professor, instructor, officer or employee of the university of Utah. All moneys received from any sources whatsoever, shall be paid into the state treasury at the close of each month and shall be placed to the credit of the maintenance account of the university of Utah. A detailed report of fees collected, verified

under oath, shall be filed with the state auditor and the state treasurer at the time fees are deposited with the state treasurer.

Sec. 2. This Act shall take effect upon its passage and approval.

Approved March 3, 1921.

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## CHAPTER 118.

Senate Bill No. 17.

Compiled Laws, 1917, p. 1095; Laws, 1919, p. 302-8.

(Passed February 21, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### STATE LAND COMMISSIONER.

An Act to amend Sections 5571, 5573, 5575, to 5575x8, both inclusive, 5594, 5600, 5606, 5607, Compiled Laws of Utah, 1917, as amended by Chapters 107, 108 and 109, Laws of Utah, 1919, and Sections 5572, 5574, 5576, 5601 to 5605, both inclusive, and 5608 to 5625, both inclusive, of the Compiled Laws of Utah, 1917; creating the office of state land commissioner; providing for the appointment of a state land commissioner; defining his duties and powers; providing for his salary, the appointment of a chief clerk, clerical help and appraisers, and providing for their compensation and expenses.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 5571, 5573, 5575 to 5575x8, both inclusive, 5594, 5600, 5606, 5607, Compiled Laws of Utah, 1917, as amended and enacted by Chapters 107, 108 and 109, Laws of Utah, 1919, and Sections 5572, 5574, 5576 to 5593, both inclusive, 5595 to 5599, both inclusive, 5601 to 5605, both inclusive, and 5608 to 5625, both inclusive, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

5571. Office of state land commissioner—term. The office of state land commissioner is hereby created. He shall be appointed by the governor, by and with the consent of the senate, for a term of four years. Such commissioner shall devote his entire time to the duties of his office, and shall be removed at the discretion of the governor, for cause stated.

5572. Bond of commissioner—custodian of notes, etc.—collection of interest. Such commissioner shall before entering upon his duties, take the oath of office and give a bond to the state with sureties to be approved by the governor in the sum of \$500,000.00 for the faithful



performance of his duties, and the safe keeping of all funds and securities entrusted to his care, which bond shall be deposited in the office of the secretary of state. The premiums on such bond shall be paid by the state. He shall be the custodian of all notes, mortgages and other evidences of indebtedness arising from investment of state funds made by him and shall collect all interest due the state on all such; and the interest so collected shall be paid into the state treasury to the credit of the fund to which it belongs, on the last business day of each month.

**Sec. 5573. Salary and expenses.** The land commissioner shall receive for his services an annual salary of \$4,000.00, payable quarterly, and shall receive actual and necessary traveling expenses while in the performance of his official duties.

**Sec. 5574. Chief clerk and other clerical assistance.** The land commissioner shall appoint a chief clerk, subject to the approval of the governor, who shall be in charge of the office. He may also employ such clerical help as may be necessary for the proper carrying on of the work of the office, subject to the approval of the state board of examiners. He may require the chief clerk and other clerks to furnish such surety bonds as he may deem necessary, the premium on such bonds to be paid by the state.

**Sec. 5575. Has control of state lands—lease—sell, etc.** The land commissioner shall have the direction, management and control of all lands heretofore, or which may hereafter be granted to this state by the United States government, and to lands lying below the water's edge on any lake or stream to the bed of which the state is entitled, for any and all purposes whatsoever, except lands used or set apart for public purposes or occupied by public buildings, and shall have the power to sell or lease the same for the best interests of the state and in accordance with the provisions of this chapter and the constitution of the state; provided, that lands belonging to the state, lying below the water's edge of any lake or stream shall not be sold, except that whenever all the owners of lands bordering on any lake or bay thereof desire to unwater such lake or bay, thereby to reclaim the bed thereof for agricultural purposes, said commissioner may sell the land comprising such bed to such riparian owners at the cash price of not less than \$2.50 per acre, upon their making application to purchase the same and furnishing a bond to the state of Utah, with surety or sureties satisfactory to said commissioner, in double the amount of the purchase price of the land, and conditioned on such reclamation taking place within five years from the date of such a sale. In accomplishing such reclamation, no interference shall take place with existing water rights. The sale of whatever right, title and interest the state of Utah has in

such bed shall be by quit-claim deed, or other similar conveyance, with reservation to the state of all mineral rights. Nothing herein contained shall be construed as a legislative declaration of ownership by the state of Utah of the beds of non-navigable lakes or bays thereof or the beds of non-navigable rivers or streams. And provided, further, that in all cases lands containing coal or other mineral shall be reserved from sale.

**Sec. 5575x. Coal and mineral lands reserved.** All coal and other mineral deposits in lands belonging to the state are hereby reserved to the state. Such deposits are reserved from sale except upon a rental and royalty basis as herein provided and the purchaser of any land belonging to the state shall acquire no right, title or interest in or to such deposits, and the right of such purchaser shall be subject to the reservation of all coal and other mineral deposits and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect or mine, and to remove such deposits and to occupy and use so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of such deposits therefrom.

**Sec. 5575x1. Rights reserved by state.** All applications to purchase approved subsequent to the passage of this Act shall be subject to a reservation to the state of all coal and other mineral deposits in said land and with the right to the state or persons authorized by it to prospect for, mine and remove the same as provided by law, and all certificates of sale issued therefrom shall contain such reservation.

**Sec. 5575x2. Sale—subject to reserved rights.** Lands in which minerals are reserved and the surface of which has a value for other purposes may be sold under the provisions of law relating to the sale of state lands, provided that in the sale of such lands there shall be reserved to the state all such deposits and be subject to the conditions and limitations prescribed by law providing for the state or persons authorized by it to prospect for, mine and remove such deposits and to occupy and use so much of the surface of such land as may be required for all purposes reasonably incident to the mining and removal of such deposits therefrom.

**Sec. 5575x3. Leasing state lands—term—applications.** The land commissioner may lease in tracts not exceeding 2560 acres in extent to any one person, firm or corporation for prospecting and mining purposes any portions of the unsold, unleased lands of the state for such annual rental, not less than fifty cents per acre per annum, and for such royalty upon the product as the land commissioner may deem fair and in the interest of the state. Such rental paid for any year shall be credited against the royalties as they accrue for the year. Such

leases shall be for indeterminate periods, upon condition that at the end of each twenty-year period succeeding the first day of the year in which the lease is issued such readjustment of terms and conditions may be made as the land commissioner may determine to be necessary in the interest of the state. Applications for such lease shall be made on oath in such form as the land commissioner may prescribe, and the applicant shall describe the land, indicate the annual rental and royalty offered by him, specify the particular mineral or minerals, and give such additional information as may be required by the rules and regulations of the land commissioner.

Sec. 5575x4. **Lease for prospecting purposes.** The land commissioner may lease for prospecting and mining purposes the deposits of coal or other mineral or minerals that may be in lands sold with a reservation of mineral deposits, or the land commissioner may lease such deposits in unsold lands belonging to the state.

Sec. 5575x5. **Lessee of mineral deposits has right of access—conditions.** A lessee of valuable mineral deposits shall have the right at all times to enter upon the lands described in his lease for the prospecting and mining provided he shall not injure, damage or destroy the improvements of the surface owner, and the lessee shall be liable to and shall compensate such owner for all damages to the surface of said land and improvements thereon. Any such lessee may occupy so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of the mineral deposits; first, upon securing the written consent or waiver of the surface owner; or, second, upon payment of the damages to the surface of said land and improvements thereon to the owner thereof where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond, or undertaking, to the state of Utah for the use and benefit of the owner of the land to secure the payment of such damages as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with the rules and regulations prescribed by the land commissioner and to be filed with and approved by the land commissioner.

Sec. 5575x6. **Leases of mineral deposits conditional.** All leases of mineral deposits shall be conditional upon payment of the rent in advance annually, and upon the payment of the royalty provided for in the lease, and such other provisions as may be provided by the land commissioner, and upon the violation of any of the conditions of the lease, the land commissioner may at his option after thirty days' notice by registered mail, cancel the lease. Upon failure or refusal of the lessee to accept



the readjustment of terms and conditions, determined by the land commissioner at the end of any twenty-year period, such failure or refusal shall work a forfeiture of lease and same shall be cancelled.

Sec. 5575x7. **Inspection of works under lease.** The land commissioner shall cause inspection to be made by a competent person or persons of all mines or works operated under such leases for the production of minerals as often from time to time as the land commissioner shall deem necessary in the interest of the state, and the land commissioner shall have the right at all times to inspect said mines or works.

Sec. 5575x8. **Form of application—lease, etc.** The land commissioner shall by rules and regulations prescribe the form of application, the form of lease, the annual rental, the amount of royalty and the basis upon which the royalty shall be computed, and such other detail as it may deem necessary in the interest of the state.

Sec. 5576. **Seal—record.** The land commissioner shall have a seal and affix the same to all instruments of conveyance, certificates and other official acts. A full record of the acts of the commissioner shall be kept by the chief clerk, who shall preserve all papers and documents submitted to the land commissioner.

Sec. 5577. **Selection and registration of lands—funds.** The land commissioner shall cause all public lands now owned by the state, or lands the title to which may hereafter be vested in the state, to be selected and registered, and thereafter sold or leased; and the funds arising from the sale or leasing thereof shall be invested in the manner provided in this chapter.

Sec. 5578. **Designate grants.** The land commissioner shall designate what lands selected by the state shall be assigned to each specific fund designated in said grants made by the United States. Such selections shall be so apportioned among the various grants that each shall receive as nearly as possible its pro rata share of the different classes of land selected.

Sec. 5579. **Appraisement of state lands.** The land commissioner shall cause the state lands, and the improvements thereon to be appraised or reappraised at such times as he may deem for the best interest of the state. The land commissioner may appoint one or more suitable persons to select, locate and appraise all lands granted to the state.

5580. **Selections in legal subdivisions—secure approval of U. S. officers—cancellations, etc.** All selections of land shall be made in legal subdivisions according to the United States survey, and when the selection has been made and approved by the land commissioner, he shall take such action as shall be necessary to secure the approval of the proper

officers of the United States, and the final transfer to this state of the lands selected. The land commissioner is hereby empowered to cancel, relinquish, or release the claims of the state to, and to reconvey to the United States, any particular tract of land erroneously listed to the state, or any tract upon which, at the time of selection, a bona fide claim has been initiated by an actual settler.

5581. Compensation of appraisers. The person or persons appointed under the provisions of Section 5579 shall each receive a compensation of not to exceed \$6 per day for all the time actually and necessarily employed, and his actual and necessary traveling expenses while in the performance of his duties.

5582. Classification of lands—uncertified plats. The land commissioner shall provide, for field and office use, uncertified plats of the surveyed lands of the state; shall ascertain, as far as practicable, what of the unappropriated government lands in the state are capable of irrigation, and the sources and reliability of the supply of water for the same; and shall select such lands as may be suitable under the various grants by the general government to the state, and shall classify said lands upon the office plats according to the following classification: agriculture, grazing, timber, reservoir sites, natural gas producing, mineral, coal, stone, saline or arid lands, and show whether the same are improved or occupied.

5583. Expenses—payments. All necessary expenses attending the examination, survey, location, selection, appraisalment and the sale of state lands, the purchase of blanks, books and stationery, the compensation of officers, and all expenses necessarily incurred in carrying out the provisions of this chapter, shall be paid by the state treasurer from the fund appropriated for that purpose, on the warrants of the auditor issued on vouchers certified to by the land commissioner.

5584. Sale of public lands by auction—limitations—arid lands. In all counties where the public lands or any portion thereof have been purchased the land commissioner shall, when deemed conducive to the best interest of the state, attend in person or by agent at such time as he shall direct and offer at public auction at the courthouse of the county and sell to the highest bidder all or any of the appraised and unsold and unleased lands situated in the county where such public auction is held; provided, that no land shall be sold for less than the appraised value thereof, and that no more than 160 acres nor less than a legal subdivision, except as hereinafter provided, shall be sold to any one individual, company or corporation; and provided, also, that sales of such lands shall be made only to citizens of the United States or to those who have declared their intention to become such, and provided, further, that where cities, towns, or villages desire to purchase

grazing lands lying contiguous to said cities, towns or villages, or other lands which they have used continuously for a period of ten years for grazing purposes, they shall have the preference right to do so. Arid lands may be sold, as in this section provided, in amounts not to exceed 320 acres, and grazing lands in amounts not to exceed four sections. Upon such sales the person in attendance shall receive, from the purchaser, the first payment upon sold lands, and shall issue a receipt therefor, and pay the same over to the land commissioner with his report of such sale.

5585. **Lands under irrigation works—lands needed by the United States.** No lands belonging to the state, within the areas to be irrigated from works constructed or controlled by the United States or its duly authorized agencies, shall hereafter be sold except in conformity with the classification of farm units by the United States, and the title to such land shall not pass from the state until the applicant therefor shall have complied with the provisions of the laws of the United States, and the regulations thereunder concerning the acquisition of the right to use water from such works, and shall produce the evidence thereof duly issued; provided, that the area or areas to be so irrigated shall be determined by due notice, given by the United States or its duly authorized agencies, and filed with the land commissioner. After the withdrawal of lands by the United States for any irrigation project, no application for the purchase of state lands within the limits of such withdrawal shall be accepted, except upon the conditions prescribed in this section. Any state lands needed by the United States for irrigation works shall be sold to the United States at private sale at the appraised value of such lands.

5586. **Preference rights — amount — price — improvements — reservoir sites—U. S. surveys defined.** Actual and bona fide settlers or occupants who have improved state lands and were, on January 1, 1894, actual settlers or occupants thereon shall have the preference right to purchase the land whereon such settlement has been made or of which such occupancy was had, not exceeding such amount as would, on January 1, 1894, or at the present time, make the entire holding of such person in this state not to exceed 480 acres of land. Where settlers have resided upon, occupied, or cultivated any lands granted to the state for school purposes prior to the extension of the surveys of the United States over said lands, or who hold the same, or the possession thereof, by the purchase from the original settlers or their assigns, said original settlers having resided upon, occupied or cultivated such lands prior to the extension of the surveys of the United States over the same, they may be permitted to purchase such lands at a price not less than twenty-five per cent of their appraised value; provided, that the purchase price of such lands settled upon or occupied prior to the extension of the sur-



veys of the United States over said lands shall not be less than \$1.25 per acre. In making such appraisement, the valuation of improvements thereon shall not be taken into consideration. Improvements, within the meaning of this section, shall be held to mean anything permanent in character, the result of labor upon or in connection with the land, which has enhanced the value of the same beyond what said land would be worth had it been permitted to remain in its original state. Application to make such purchase by said preferred claimant must have been made prior to July 1, 1897; provided, that such extensions of time shall not be construed to affect the rights of persons whose applications have already been filed. Such lands as are suitable for reservoir sites may be reserved from sale or lease either as agricultural, grazing, or timber lands, and they shall be disposed of by the land commissioner in such manner and at such price, not less than the appraised valuation, as in the judgment of the land commissioner will benefit the settlers on lands on lower levels, preference being given to such corporations or associations formed by actual settlers for irrigation purposes as will enable the said reservoir sites to be utilized by the greatest number of actual settlers. The United States surveys referred to in this section are hereby declared to be those surveys by which any school lands were first sectionized by a United States surveyor, or a duly appointed deputy; and all records or plats of such surveys shall be deemed prima facie evidence of such surveys to the land commissioner and the land commissioner may hear and consider other testimony.

5587. **Bona fide settlers—refunds, etc.** Actual and bona fide settlers or occupants who have improved state lands and were, January 1, 1894, actual settlers or occupants thereon, and whose claims were filed with the state board of land commissioners prior to June 30, 1897, shall have the preference right to purchase the land whereon such settlement was made, or of which occupancy was had, not exceeding such amount as would, on January 1, 1897, or at the present time, make the entire holding of such person not to exceed 480 acres of land. Where settlers have resided upon, occupied or cultivated any lands granted to the state for school purposes, prior to March 1, 1869, or who on January 1, 1894, held the same or the possession thereof by purchase from such settlers or occupants or their assigns, they may be permitted to purchase such lands at not less than twenty-five per cent of the appraised value; provided, that the purchase price shall not be less than \$1.25 per acre; provided further, that where certificates of sale for such lands have heretofore been issued by the state board of land commissioners, the payments in accordance with the terms of said certificates shall be made. At the first regular session of the legislature after full payment on any such certificate has been made, the holder of such certificates may file his claim for the difference between the sum paid on said certificate

and the sum which should have been exacted if this law had been in force on June 30, 1897.

5588. **Price to bona fide settlers in certain cases.** Actual and bona fide settlers or occupants who have improved unsurveyed state school lands, and were for two years prior to the extension of the United States survey over said lands actual settlers or occupants thereof, or who hold the same, or the possession thereof, by purchase from original settlers or their assigns, said original settlers having resided upon, occupied or cultivated said lands for two years prior to the extension of the surveys of the United States over same, may be permitted to purchase such lands at private sale at the appraised valuation thereof. Applications to make purchase by said preferred claimants must be made within ninety days after the plats of said surveys have been filed in the United States land office.

5589. **Private sale—price.** Whenever any citizen of the United States, or person who has declared his intention to become such, shall make application in writing for the selection by the state of any tract of land in satisfaction of any grant to the state, the land commissioner may select and contract to sell the same at private sale to the person requesting the selection thereof at a price to be fixed by the land commissioner, not less than one dollar per acre; provided, that at the time of making such contract twenty-five cents per acre shall be deposited with the commissioner to be applied as the first payment on such land after the same is patented to the state, and the remainder of the purchase price shall be paid in not to exceed twenty equal yearly payments. Any person, corporation or association, who has become a purchaser of selected lands under the provisions of this section before this Act took effect, shall have the same privilege of extending payment of the remainder of the purchase price of said selected lands as is accorded to purchasers under the provisions of Section 5594, as said section is amended by this Act. All lands heretofore selected by the land commissioner upon the application of citizens may be sold to the applicants under the provisions of this section.

5590. **Relinquishment of U. S. filings—purchase from the state.** The state land commissioner is hereby authorized to contract with the bona fide occupants who have in good faith filed upon the lands in this state under the laws of the United States, whereby said occupants can relinquish their said entry to said lands and be permitted to purchase the said tract of land of the state after its selection by the land commissioner at private sale, at a price to be fixed by the board, which price shall not be less than \$1.25 per acre; provided, that at the time of making such contract twenty-five cents per acre shall be deposited with the land commissioner, to be applied as the first payment on such land after the same is patented to the state, and the remainder of the purchase

price shall be paid in not to exceed ten equal yearly payments; provided, further, however, that this section does not confer any authority upon said commissioner to contract with such occupants, in any manner whatever, who have gone into possession or filed upon such land after application has been filed by any other person or persons with said commissioner for the selection or purchase of the state, of the same lands or any part thereof. Occupants holding contracts with the state land commissioner for the purchase of land selected by the land commissioner, as under this section provided, shall have the same privilege of extending their payments of the remainder of the purchase price due under said contract as is provided in Section 5594, as amended by this Act.

**5591. Sale of timber—forfeiture—limitation.** The land commissioner may sell the timber on the unsold and unleased lands of the state except as provided in Section 5612, in the same way as it may sell state lands, but payment for such timber must be made as provided in Section 5594. A failure to make such payment shall work a forfeiture of the contract of such sale; provided, that all right of ownership in any timber on lands of the state by right or virtue of purchase from the state shall cease ten years from and after such purchase.

**5592. Protection of growing timber.** No contract by the commissioner for the sale of timber on any lands of the state shall permit or entitle the purchaser to cut, use, injure or destroy any growing timber or trees less than eight inches in diameter at the butt. The commissioner shall make such rules and regulations for the disposal of the tops and limbs of trees cut for logging and other purposes as shall secure the young timber on the state lands from injury and destruction by fire. Nothing in this chapter shall be construed to prevent settlers from removing any timber from unsold or unclaimed land of the state for their own domestic use.

**5593. Notice by publication.** Notice of all sales of land or timber, except timber which has no value for manufacturing, commercial or saw purposes, shall be given by publication in some newspaper published and of general circulation in the county wherein the sale shall be held, and when deemed necessary by the land commissioner, in such other newspapers as the commissioner may designate; if there is no newspaper published in the county, then in some newspaper published in the state having general circulation in such county, to be designated by the commissioner. Such notice or notices shall be published at least once a week for four weeks next preceding such sale, and shall specify the time when and the place where the same will be held.

**5594. Payments—suspension for the war—interest on deferred payments—timber sales.** Payment for land and timber sold under the pro-



visions of this chapter shall be as follows: Not less than one-tenth of the purchase price to be paid in cash at the time of the sale, and the balance in not to exceed twenty equal yearly payments. No lands shall be sold on which there is timber of a kind and in sufficient quantity to be of commercial value; but such lands may be leased or timber thereon may be sold for such purposes and on such terms as will protect a continual growth of timber thereon; provided, that no timber shall be sold at less than its actual value to be ascertained by careful appraisement thereof. The rate of interest on all deferred payments shall be 5 per cent per annum, and shall be paid as follows: On day of sale the interest on the unpaid portion of the purchase shall be computed and paid up to the first day of January next ensuing, and thereafter the interest and one-twentieth of the purchase price remaining after the first payment has been made, shall become due and payable annually in advance on the first day of January of each year; provided that where any installments on the purchase price of state lands has become due during the period of the war between the United States and the imperial German government, and the purchaser shall have been in the military, naval or marine service of the United States during the said period, the land commissioner shall suspend payments of said installment or installments for one year after the release of said purchaser from said military, naval or marine service of the United States, and in no case for a period longer than one year after the termination of said war and no interest shall be charged on any balance due on purchase price of state lands during the period of suspension of the payment of said installment or installments; and provided, further, that this proviso shall be considered retroactive to cover all cases of default in payment of installments by purchasers of state land, who are serving or have served in the military, naval or marine service of the United States during the period mentioned herein. No timber shall be sold except for cash, unless the purchaser shall secure the state the payment of the full purchase price by giving, at the time of purchase, and execution of notes for purchase, a good and sufficient bond running to the state for double the value of the timber on said lands; said bond to be in such form as the land commissioner may direct, and subject to his approval. Any purchaser may make full payment for land purchased at any time, and after the payment of the amount required to be paid at the time of the sale, a purchaser may pay any part of the amount due equal to one or more annual payments. Any purchaser of lands from the state of Utah, upon the purchase price of which lands there still remains an amount due, may complete payment of the remainder of the purchase price due on said land by paying the said remainder in yearly installments, equal to one-half the amount which was annually due and payable before this amendment went into effect, said privilege to apply only to payments due and payable on January 1, 1921, and

thereafter, the said installments to be paid annually on or before the first day of January of each year, together with interest on the unpaid portion of the purchase price, until interest and principal on said purchase price is fully paid.

5595. **Receipts in duplicate—disposal.** All payments of principal, interest, or rental shall be made to the land commissioner, who shall issue his receipt in duplicate therefor, and shall transmit the original receipt to the person making the payment, and deliver the duplicate to the state auditor.

5596. **Paying for improvements—removal of improvements.** Any person purchasing land upon which improvements have been made by any other person, and appraised as provided in Section 5579, shall pay to the land commissioner, in addition to the amount of principal and interest required by law to be paid at the time of sale, the full appraised value of such improvements. The amounts thus paid for improvements shall be paid by the land commissioner to the owners of such improvements, unless such owners shall elect, within ninety days after such sale, to remove the improvements and to remove the same, for which purpose they shall have the right to go upon the land. In case the owner elects to remove the improvements, and removes the same within the said ninety days, the commissioner shall return to the person by whom it was paid the amount paid for improvements.

5597. **Certificate of sale when full payment is not made.** Upon the sale of land under the provision of this chapter as herein provided the commissioner shall issue to the purchaser a certificate of sale, showing the land purchased, the amount paid, the amount due, and the time when the principal and interest shall become due.

5598. **Unsold at auction—sales may be private—price.** Whenever the commissioner shall have exposed for sale at public auction any lots of the lands of this state pursuant to law, and any of such lots shall remain unsold, the commissioner, may, in his discretion, issue certificates for the sale thereof to such persons, respectively, as shall thereafter make application for any of the said lots, at not less than the appraised value.

5599. **Patents—how issued.** Upon the filing of the certificate of sale with receipts attached, evidencing full payment of principal and interest for any tract of land sold, the governor shall, under the great seal of the state, issue a patent therefor to the purchaser, his assignee, or successor in interest. In case the purchaser shall have died and the land described shall have been sold by order of court having jurisdiction, and such sale shall have been duly confirmed by order of said court, the patent shall be issued to the purchaser to whom confirmation of sale is made. If the estate of a deceased person shall have been distributed by order of such court, the patent shall be issued to the heirs of said

deceased person or to such other person as may be shown by such decree of distribution to be entitled to the same. All patents so issued shall be attested by the secretary of state, and a record thereof shall be kept in the office of the commissioner.

5600. **Unsold lands may be leased—term—quantity—preference—payment.** All state lands unleased and unsold shall be subject to lease at the actual leasing value thereof as fixed by the land commissioner. Lands other than grazing and arid lands shall be leased for terms of not more than five years, and in tracts not exceeding 640 acres in extent to any one person, company, or corporation, except that in leases for mineral deposits the term shall be as provided in this Act. Grazing and arid lands may be leased for such terms not exceeding twelve years and in tracts of such quantities as may be for the best interest of the state, at the discretion of the land commissioner; provided that no lease shall exceed 25,000 acres to any one person or corporation; and provided, further, when it shall be shown that a lease has been secured for the purpose of a re-lease, or for the benefit of any person or corporation other than the lessee, the land commissioner shall declare such lease void, unless such lease be consented to by the land commissioner. Applications for lease shall be made to the land commissioner, and shall contain an affidavit that the applicant is not the owner of a lease of state lands of more than 640 acres, except grazing or arid lands, including the amount applied for, and that he desires to lease for his own use and benefit. Applications for lease shall be accompanied by the fees provided by the law to be paid for making such lease. If the land commissioner deems it advisable to lease said land, he shall cause the same to be appraised and determine the annual rental thereon, and the land commissioner shall thereupon notify the applicant thereof, and upon receipt of the first installment of rental, a lease of the land applied for, duly executed, shall be delivered to the lessee. The first payment upon the lease shall be until the 1st day of January, next ensuing. Subsequent payments shall be due and payable annually, in advance, on the 1st day of January of each year; provided, that inhabitants of cities, towns, or villages desire to lease for their own use and not for sub-leasing, the grazing lands lying contiguous to said cities, towns, or villages, which they have used continuously for a period of ten years for grazing purposes, they shall have the preference right to do so. In leasing grazing lands, the land commissioner shall give the preference right to actual settlers. The land commissioner may withhold from sale or lease lands on which there are springs of water, where water for stock purposes is scarce and their sale or lease, if enclosed, would, in the opinion of the commissioner, create a monopoly of large tracts of the United States or state grazing lands in favor of the purchasers or lessees of such lands on which such springs or streams are located; and provided, further, that the land



commissioner shall give the preference right to lease the grazing lands of the state to citizens of the state.

5601. Applications to lease. Except as otherwise provided in this chapter, applications to lease shall be considered in the order that said applications are filed; provided, that when simultaneous applications are filed the land commissioner may, if deemed advisable by him, let the said land to the person who, in addition to the four per cent of the appraised value, will pay the highest rental for said land; and, provided, further, that applications to lease land already under lease shall not be received before sixty days prior to the expiration of said lease, and all such applications received within said sixty days shall be considered simultaneous.

5602. Covenants of lease—forfeiture—improvements. Each lease shall contain covenants that the lessee will promptly pay the rental annually in advance, that no waste shall be committed on the land, that the premises shall be surrendered at the expiration of the term of the lease, that the lessee will not sublet without the written consent of the land commissioner, and that a failure to pay the agreed rental for a period of one month from the time rental is due will work a forfeiture of said lease after a notice as hereinafter provided, and that where improvements have been placed on the land by any person other than the lessee, the lessee will allow the owner of the improvements to remove same within ninety days.

5603. Default—extension—right to re-purchase. Any lessee or purchaser or his assignee, who is in default for non-payment of rental, principal, or interest due the state for a period of one month, shall be notified by the land commissioner by registered letter of such default, and if, within one month after service of such notice, such delinquent has not paid such rental, principal, or interest so delinquent, and has procured no extension of time, his lease or contract of sale, shall be forfeited, and such forfeiture shall be noted on the records of the land commissioner; provided that where through good and reasonable cause, such purchaser or lessee has been unable to meet his payments when due the land commissioner may, in his discretion, extend the time for making such payments, not to exceed one year at any one extension, on the person or persons interest payments not to exceed one year, and extend the time for making principal payments not to exceed three successive extensions of one year each, provided that the person or persons shall pay interest on such deferred payments at the rate of 5 per cent per annum; provided, further, that no subsequent extension shall be granted until all payments of principal and interest due before such subsequent extension shall have been made. The land commissioner may make such rules regarding such extensions as he deems proper. Any person whose contract of sale has been forfeited may, however, be relieved from such forfeiture at any

time before the land has been appraised, or reappraised, or has again been sold, by paying all arrears of rental, principal and interest, and 5 per cent penalty thereon. Any person whose contract of sale has been forfeited, and thereafter the land included therein leased to another person, may be given priority right to repurchase said land at a reappraised price and have credited thereon all money paid to the state land commissioner on previous purchase, whenever in the opinion of the land commissioner the facts of the particular case would be equitable and just.

**5604. Cutting timber on leased lands.** The lessee of state lands shall in no case be allowed to cut or use more timber therefrom than shall be necessary for the improvement of such lands, or for fuel for the use of the family of the lessee. The cutting and hauling of timber from leased agricultural or grazing lands to sawmills is prohibited.

**5605. Fees.** For making certified copies of papers, or records, by the land commissioner, the same fees as are charged by the secretary of state for like services shall be charged and collected.

**5606. Payment of moneys monthly.** On the first business day of each month, the land commissioner shall pay into the state treasury all moneys received during the previous month, classified as to sales, leases, royalties, interests, fees, penalties and forfeitures. All sums paid for fees, and all sums paid for leases and royalties from lands belonging to the state lying below water's edge of any lake or stream shall go into the general fund. All penalties shall be regarded as interest, and all sums paid for leases from lands other than lands lying below the water's edge of any lake or stream shall be regarded as interest. All rentals or royalties, derived from the lease or sale of mineral deposits in state lands, shall be regarded as principal and shall go into the principal or permanent fund. All forfeiture shall go to the respective permanent fund.

**5607. Investment of funds—security and interest on farm loans.** The land commissioner shall make the necessary orders for the investment or disposal of the funds derived from the sale of public lands of this state, in the state treasury. Such funds shall be invested for and on account of the specific purposes for which the lands were granted, in government, state, county, city, or school district bonds, or in scrip of warrants issued against the funds to be raised by special or local taxes or assessment under the provisions of the laws of the state of Utah, or notes of the state made under the provisions of Sections 3806-3807, or in warrants on the reservoir land grant fund issued under the provisions of Section 5664; or in mortgages on improved farm lands within the state, or otherwise as provided by law, but no loan secured by mortgage on such improved lands shall exceed one-half the value, of the same, exclusive of improvements; provided that investments in warrants drawn on the reservoir

land grant fund shall never at any time exceed in the aggregate the sum of \$500,000.00. Whenever the land commissioner shall order the investment of any part of such funds, said land commissioner shall notify the state auditor of such order and the state auditor shall draw a warrant for the amount stated in the notice in favor of the land commissioner, and the state treasurer shall pay such warrant out of the funds designated. Before issuing his warrant the state auditor shall inspect the proposed investment and if in his opinion the same is not sufficiently secured, or the investment is not advisable, he shall refer the same to the state board of examiners and the investment shall not be made until approved by said board. The annual interest on all improved farm land loans herein provided for shall be 6 per cent, provided, that the expense of investigation of titles and values shall be paid by the intending borrower.

5608. Other investment of land funds—limitations. In addition to the securities in which public land funds of the state may, under the provisions of (Sec.) 5607, be invested, the land commissioner is hereby authorized to invest any of the funds derived from the sale and rental of public lands of the state in notes of counties made under the provisions of (Sec.) 1364; provided, that such loans or investments shall not in any one county exceed one-half per cent of the assessed valuation of the county as shown by the last tax assessment.

5609. Interest and rentals. Whenever the state board of examiners shall so direct, the interest derived from the investment of funds belonging to the state school fund, or the respective state institutions, together with all moneys received from rentals, shall from time to time, upon proper requisition therefor, be used for the maintenance of the common schools, or said institutions; and whenever the board shall order the use of said funds, or any portion thereof, it shall notify the state auditor of such order, and the state auditor shall thereupon credit the amount to the maintenance account of the common schools, of said institutions, and the funds so credited for the maintenance of said institutions shall be drawn in the manner provided by law for the withdrawal of funds appropriated by the legislature for the maintenance of said institutions.

5610. Subdivision of lands, and sale. Any portion of the public lands of this state, excepting such lands as are occupied by bona fide settlers, who have a preference right of purchase, as hereinbefore provided, may be subdivided into lots, and sold as provided in this chapter, the land commissioner being satisfied that, by a subdivision of any tract into lots, the sale of same could be made for a greater amount than if sold in legal subdivisions as designated by the United States survey. The land commissioner shall have authority to employ the necessary surveyors to



survey such tracts, to be subdivided into lots of such sizes as he shall determine. A plat of the survey so made shall be filed in the office of the county recorder of the county wherein the land is situated, and a copy thereof filed in the office of the land commissioner. Tracts so subdivided shall not be subject to lease, but each lot shall be sold at public auction at such times as the land commissioner may direct. The manner of appraisement and sale of such subdivided lands shall be in all respects the same as in the case of other lands sold.

5611. **State auditor's account with commissioner.** The state auditor shall charge the land commissioner with the amount of money, rental, interest, and principal, separately, received from the sale or lease of lands, as shown by the duplicate receipts of the state treasurer; and upon presentation of the state treasurer's duplicate receipt shall credit the land commissioner with the amount of the same.

5612. **Forest and water supply reserves.** The land commissioner shall set apart and reserve from sale such tracts of timber lands and the timber thereon as may, in his opinion, be required to preserve the forests of the state, prevent the diminution of the flow of rivers, and aid in the irrigation of the arid lands.

5613. **Regulations and supplies.** The land commissioner shall have power to make all needful rules and regulations, not inconsistent with the provisions of this chapter, for carrying the same into effect; and shall supply all records, books, and papers that may be required for the purposes of this chapter.

5614. **Commissioner to have state represented in controversies, etc.** The land commissioner shall cause the state to be properly represented in all suits, actions, controversies, or claims relating to state lands.

5615. **Annual report.** The land commissioner, shall annually, on the 1st day of January in each year, make a full report of his transactions, showing the amount of lands in each county belonging to the state, to what fund they belong, their value to the amount sold or leased during the year. Said report shall contain such other items of information concerning the state lands as the land commissioner may deem proper, and he shall report the same to the governor.

5616. **Vested rights for irrigating ditches, etc., preserved—commissioner may grant rights-of-way, etc.** Nothing in this chapter shall be so construed as to impair the vested or accrued rights of any ditches of any irrigation company, or any person owning any ditch or ditches on or passing through any state lands, or to prevent the sale of more than 160 acres, for a continuous right-of-way, or for stations or buildings grounds within the state for a common carrier, or for canal or irrigation companies or associations. And the land commissioner is hereby author-

ized and empowered to grant rights-of-way on, through, and over any state lands for the transmission of electrical energy, or for telephonic purposes, and for canal and irrigation companies, and for roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places to facilitate the milling, smelting, or other reduction of ores, or the working of mines, quarries, or mineral deposits; outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other works for the reduction of ores or from mines, quarries, or mineral deposits, and such right-of-way shall be granted at such prices and upon such terms as to said land commissioner may seem wise and proper, or without compensation if, in his judgment, the lands on, through, or over which the said rights-of-way are to be located, or other lands or property of the state, will receive benefits therefrom sufficient to compensate the state for the damage occasioned thereby.

5617. **Rights-of-way granted to United States.** There is hereby granted, over all lands now or hereafter belonging to the state of Utah, a right-of-way for ditches, tunnels, and telephone and transmission lines, constructed by authority of the United States. All conveyances of state lands hereafter made shall contain a reservation of such right-of-way.

5618. **To compact state land holdings—exchanges, etc.** In order to compact, as far as practicable, the land holdings of the state, the land commissioner is hereby authorized to exchange any of the land held by the state for other land within the state held by other proprietors; and upon request of the land commissioner the governor is hereby authorized to execute and deliver the necessary patents to such other proprietors and receive therefrom proper deeds of the lands so exchanged; provided, that no exchange shall be made by the land commissioner until a patent for the land so received in exchange shall have been issued by the government of the United States to such proprietors or their grantors.

5619. **Contests as to preference rights.** Where contests arise as to the preference rights of claimants for lands under the control of the land commissioner, he shall have full power to direct the taking of testimony concerning the points involved, which shall be reported in full. It shall be the duty of the land commissioner to notify the parties to the contest of his findings and conclusions.

5620. **Commissioner may subpoena witnesses, etc.** The land commissioner may issue subpoenas to compel the attendance of witnesses and the production of books and papers before him, and may administer oaths in the performance of his official duty.

5621. **Application to the U. S. for survey of unsurveyed lands.** The governor is hereby authorized and directed, by and with the consent of the commissioner, to make application to the commissioner of the general

land office for the survey of public unsurveyed lands for the purpose of satisfying the public land grant to this state, in accordance with the provisions of Chapter 301, 28 U. S. statutes at large, pp. 394, 395.

5622. **Deferred payments on university lands.** All deferred payments for the sale of university lands shall be made in accordance with the contracts of sale to the land commissioner, in the manner provided in this chapter for other payments.

5623. **Endorse time and date of receipt of applications, bids, etc.** It is hereby made the duty of the land commissioner, upon the receipt in his office of any application, bid, contract, or other paper, immediately on the receipt thereof to endorse thereon the day and time of the receipt thereof.

5624. **Commissioner and employees forbidden to acquire state lands.** The land commissioner and the employees of said commissioner are hereby prohibited from acquiring, either directly or indirectly, any state lands or interest therein; provided, that the provisions hereof shall not interfere with any pending application, or any contract to purchase any state lands, or with the renewal of any existing lease made prior to the passage of this section.

5625. **Penalty for hindering application.** The land commissioner, or any employee thereof, who, either directly or indirectly, in his own interest, or in the interest of another, interferes with or hinders the application of a bona fide applicant to acquire state lands or any interest therein, shall, upon conviction thereof, be deemed guilty of a misdemeanor.

Approved March 5, 1921.

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## CHAPTER 119.

House Bill No. 112.                      Compiled Laws, 1917, p. 1095; Laws Special Sess, 1919, p. 26.  
(Passed March 7, 1921. Approved March 12, 1921. In effect March 12, 1921.)

### SALE OF PIUTE IRRIGATION PROJECT.

An Act to amend Section 1, Chapter 16, Special Session Laws of Utah, 1919, relating to the sale of the Piute irrigation project and state lands adjacent thereto.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Chapter amended. Chapter 16, of the Special Session Laws of 1919, is hereby amended to read as follows:

Sec. 1. **Sale of project—terms.** The land commissioner of the state of Utah is hereby authorized to sell and convey, with power to give full



title, the Piute irrigation project, situated in Piute, Sevier and Sanpete counties, including the reservoir, canal, water and water rights owned by the state of Utah and belonging to said system, and the rights of the state in any canal, river bed, reservoir water belonging and constituting part of said system for such sum as will return to the state the costs of said project, together with 5 per cent interest per annum on said cost from the date of completion of said project or date of completion of any part thereof; provided, however, that the said interest shall not be figured from the date of completion of any part of said project where the date of completion of such part was prior to the date when such system became usable as an irrigation system. The state land commissioner is authorized to fix the dates from which interest shall begin to run on the cost of said system or any part thereof; and provided further that the state board of land commissioners is hereby authorized to sell and convey title of unsold state lands in Sanpete and Sevier counties lying adjacent to said canal, on such terms and conditions as provided for in Section 2, of this chapter.

Sec. 2. This Act shall take effect upon approval.

Approved March 12, 1921.

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## CHAPTER 120.

House Bill No. 126.

Compiled Laws, 1917, p. 1095; Laws, 1919, p. 302.

(Passed March 5, 1921. Approved March 15, 1921. In effect March 15, 1921.)

### CONTROL OF STATE LANDS.

An Act to amend Section 5575, Compiled Laws of Utah, 1917, as amended by Section 5575, Chapter 107, Session Laws of Utah, 1919, fixing the powers of land commissioner and reservations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 5575, Compiled Laws of Utah, 1917, as amended by Section 5575, Chapter 107, Session Laws of Utah, 1919, is hereby amended to read as follows:

Sec. 5575. Commissioner has control of state lands—sale, etc.—price. The state land commissioner shall have the direction, management, and control of all lands heretofore, or which may hereafter be granted to this state, by the United States government, or otherwise, and to lands lying below the water's edge on any lake or stream to the bed of which the state is entitled, for any and all purposes whatsoever, except lands used

or set apart for public purposes or occupied by public buildings, and shall have the power to sell or lease the same for the best interests of the state and in accordance with the provisions of this chapter and the constitution of the state; provided that lands belonging to the state, lying below the water's edge of any lake or stream shall not be sold, except that in cases where the owners of riparian lands have made valuable improvements on contiguous lands lying below the water's edge, said land commissioner may in his discretion sell to such riparian owners, or their successors in interest, at the cash price of not less than \$2.50 per acre under the provisions of law relating to the sale of state lands, the lands on which such improvements have been made and such additional lands as may be necessary to the reasonable use and enjoyment of such improvements, and except further that whenever all the owners of lands bordering on any lake or bay thereof desire to unwater such lake or bay, thereby to reclaim the bed thereof for agricultural purposes, said land commissioner may sell the land comprising such bed to such riparian owners at the cash price of not less than \$2.50 per acre, upon their making application to purchase the same and furnishing a bond to the state of Utah, with surety or sureties satisfactory to said land commissioner, in double the amount of the purchase price of the land, and conditioned on such reclamation taking place within five years from the date of such sale. In accomplishing such reclamation, no interference shall take place with existing water rights. The sale of whatever right, title and interest the state of Utah has in such bed shall be by quit-claim deed or other similar conveyance, with reservation to the state of all mineral rights. Nothing herein contained shall be construed as a legislative declaration of ownership by the state of Utah of beds of non-navigable lakes or bays thereof or of beds of non-navigable rivers or streams. And provided, further, that in all cases lands containing coal or other mineral shall be reserved from sale, except in the aforesaid cases of improvements made by riparian owners on contiguous submerged lands in which cases all coal or mineral rights shall be reserved to the state.

Sec. 2. This Act shall take effect upon approval.

Approved March 15, 1921.

## CHAPTER 121.

House Bill No. 155.

Compiled Laws, 1917, p. 1095.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

## REVOLVING LAND-SURVEY FUND.

An Act creating a revolving fund for the survey of public lands in the state of Utah, making an appropriation therefor, and authorizing the governor to execute the provisions of this Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Land survey fund. There is hereby created a fund to be known as "Revolving fund for the survey of public lands in the state of Utah," and there is hereby appropriated the sum of \$50,000 to constitute said fund. Such fund is to be advanced to the federal government for the survey of public lands in this state, for which the state will be reimbursed after the survey is made.

Sec. 2. Governor to designate lands. The governor is authorized to designate the public lands to be surveyed from said funds.

Sec. 3. Credit to treasurer of the United States. Whenever the governor has made a designation of lands to be surveyed and the proper department of the federal government has estimated the cost of making such surveys and has authorized such survey, then the governor is authorized to draw from the said fund a sufficient amount to make such survey and deposit such amount to the credit of the treasurer of the United States for said purpose.

Sec. 4. Returned moneys deposited. The governor is authorized to make application to the proper department of the federal government for the return of the moneys advanced by this state through said fund whenever the requested surveys have been completed, and all money so returned shall be deposited in the said fund for the purpose of making further surveys until all of the public lands in this state shall have been surveyed.

Sec. 5. Governor fully authorized. The governor is authorized to perform every act necessary under the rules and requirements of the department of the interior, of the federal government to carry out the purposes and intent of this Act.

Sec. 6. This Act shall take effect upon approval.

Approved March 17, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 122.

Senate Bill No. 4.

Compiled Laws, 1917, p. 1099.

(Passed January 28, 1921. Approved February 5, 1921. In effect February 5, 1921.)

## SALE OF STATE LANDS.

An Act amending Sections 5589, 5590, 5594 and 5603, Compiled Laws of Utah, 1917, relating to the sale of state lands.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 5589, 5590, 5594 and 5603, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

5589. Private sale—price—extension of time. Whenever any citizen of the United States, or person who has declared his intention to become such, shall make application in writing for the selection by the state of any tract of land in satisfaction of any grant to the state, the board may select and contract to sell the same at private sale to the person requesting the selection thereof at a price to be fixed by the board, not less than one dollar per acre; provided, that at the time of making such contract twenty-five cents per acre shall be deposited with the board to be applied as the first payment on such land after the same is patented to the state, and the remainder of the purchase price shall be paid in not to exceed twenty equal yearly payments. Any person, corporation, or association, who has become a purchaser of selected lands under the provisions of this section before this Act took effect, shall have the same privilege of extending payment of the remainder of the purchase price of said selected lands as is accorded to purchasers under the provisions of Section 5594, as said section is amended by this Act. All lands heretofore selected by the board upon the application of citizens may be sold to the applicants under the provisions of this section.

5590. Relinquishment of filings under United States laws, and purchase from state—extension of time. The state board of land commissioners is hereby authorized to contract with bona fide occupants who have in good faith filed upon the lands in this state under the laws of the United States, whereby said occupants can relinquish their said entry to said lands and be permitted to purchase the said tract of land of the state after its selection by the state board at private sale, at a price to be fixed by the board, which price shall be not less than \$1.25 per acre; provided, that at the time of making such contract twenty-five cents per acre shall be deposited with the board, to be applied as the first payment on such land after the same is patented to the state, and the remainder of the purchase price shall be paid in not to exceed twenty equal yearly pay-

ments; provided, further, however, that this section does not confer any authority upon said board to contract with such occupants, in any manner whatever, who have gone into possession or filed upon such land after an application has been filed by any other person or persons with said board for the selection or purchase of the state, of the same lands or any part thereof. Occupants holding contracts with the state board of land commissioners for the purchase of land selected by the state board, as under this section provided, shall have the same privilege of extending their payments of the remainder of the purchase price due under said contract, as is provided in Section 5594, as amended by this Act.

5594. Payments for land or timber—leasing land—sale of timber—interest payments—notes of purchaser—limitations. Payments for lands and timber sold under the provisions of this chapter shall be as follows: Not less than one-tenth of the purchase price to be paid in cash at the time of sale, and the balance in not to exceed twenty equal yearly payments. No lands shall be sold on which there is timber of a kind and in sufficient quantity to be of commercial value; but such lands may be leased or timber thereon may be sold for such purposes and on such terms as will protect a continued growth of timber thereon; provided, that no timber shall be sold at less than its actual value to be ascertained by careful appraisement thereof. The rate of interest on all deferred payments shall be five per cent per annum, and shall be paid as follows: On the day of sale the interest on the unpaid portion of the purchase price shall be computed and paid up to the first day of January, next ensuing, and thereafter the interest and one-twentieth of the purchase price remaining after the first payment has been made, shall become due and payable annually in advance on the first day of January of each year; provided that where any installment or installments on the purchase price of state lands has become due during the period of the war between the United States and the imperial German government, and the purchaser shall have been in the military, naval or marine service of the United States during the said period, the state land board shall suspend payments of said installment or installments for one year after the release of said purchaser from said military, naval, or marine service of the United States, and in no case for a period longer than one year after the termination of said war and no interest shall be charged on any balance due on purchase price of state land during the period of suspension of the payment of said installment or installments; and provided further, that this proviso shall be considered retroactive to cover all cases of default in payment of installments by purchasers of state lands, who are serving or have served in the military, naval, or marine forces of the United States during the period mentioned herein. No timber shall be sold except for cash unless the purchaser shall secure the state the

payment of the full purchase price by giving, at the time of purchase, an execution of notes for purchase, a good and sufficient bond running to the state for double the value of the timber on said lands; said bond to be in such form as the board may direct, and subject to its approval. Any purchaser may make full payment for land purchased at any time, and after the payment of the amount required to be paid at the time of the sale, a purchaser may pay any part of the amount due equal to one or more annual payments. Any purchaser of lands from the state of Utah, upon the purchase price of which lands there still remains an amount due, may complete payment of the remainder of the purchase price due on said lands by paying the said remainder in yearly installments, equal to one-half the amount which was annually due and payable before this amendment went into effect, said privilege to apply only to payments due and payable on January 1, 1921, and thereafter, the said installments to be paid annually on or before the first day of January of each year, together with interest on the unpaid portion of the purchase price, until interest, and principal on said purchase price is fully paid.

5603. **Default—extensions—right to re-purchase.** Any lessee or purchaser or his assignee, who is in default for non-payment of rental, principal, or interest due the state for a period of one month, shall be notified by the board by registered letter of such default, and if, within one month after service of such notice, such delinquent has not paid such rental, principal, or interest so delinquent, and has procured no extension of time, his lease or contract of sale shall be forfeited, and such forfeiture shall be noted on the records of the board; provided, that where, through good and reasonable cause, such purchaser or lessee has been unable to meet his payments when due, the board may, in its discretion, extend the time for making "Interest payments not to exceed one year, and extend the time for making principal payments not to exceed three successive extensions of one year each, provided, that the person or persons shall pay" interest on such deferred payments at the rate of five per cent per annum; provided, further, that no subsequent extension shall be granted until all payments of principal and interest due before such subsequent extension shall have been made. The board may make such rules regarding such extensions as it deems proper. Any person whose contract of sale has been forfeited may, however, be relieved from such forfeiture at any time before the land has been appraised, or reappraised, or has again been sold, by paying all arrears of rental, principal, and interest, and five per cent penalty thereon. Any person whose contract of sale has been forfeited, and thereafter the land included therein leased to another person, may be given priority right to repurchase said land at a reappraised price and have credited thereon all moneys paid to the state land board on previous purchase,



whenever in the opinion of the board the facts of the particular case would be equitable and just.

Sec. 2. This Act shall take effect upon approval.

Approved February 5, 1921.

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## CHAPTER 123.

House Bill No. 156.

Compiled Laws, 1917, p. 1103; Laws, 1919, p. 308.

(Passed March 4, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### INVESTMENT OF LAND SUSPENSE FUNDS.

An Act authorizing the state board of land commissioners, or the state land commissioner, to loan the funds in the custody of the commissioners or commissioner, known as the suspense fund.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Loan of suspense fund. The state board of land commissioners, or the state land commissioner, is hereby authorized to loan to the state of Utah the funds in their custody known as the suspense fund.

Sec. 2. Notes and interest. Such loans may be made from time to time upon notes to be executed by the state board of loan commissioners, at such rate of interest as may be agreed upon by such boards. Such notes to be payable upon demand.

Sec. 3. Interest from banks. The state board of land commissioners or the state land commissioner is hereby authorized to contract with the bank or banks in which any moneys in the control of said board or commissioner is deposited requiring any such bank to pay interest at not less than two per cent per annum upon the daily balances of such deposits.

Sec. 4. Interest to general fund. The interest derived from such loans or deposits shall be paid into the general fund of the state.

Sec. 5. This Act shall take effect upon approval.

Approved March 10, 1921.

## CHAPTER 124.

Senate Bill No. 88.

Compiled Laws, 1917, p. 1106.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## DESERT LAND GRANT.

An Act amending Sections 5632 to 5649, Compiled Laws of Utah, 1917, both inclusive, relating to the acceptance of an Act of congress, known as the "Carey" Act, and providing a method of selecting, reclaiming and disposal of lands to be reclaimed under the provisions of said Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 5632 to 5649, both inclusive, Compiled Laws of Utah, 1917, be amended to read as follows:

5632. Desert land grant act accepted. The state of Utah hereby accepts the conditions of Section 4 of the act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and acts amendatory thereof, and of the act of congress (public 114) approved April 4, 1910, in so far as the same relates to the extension of the provisions of said acts of congress over lands within the former Uintah Indian reservation, together with all grants of lands to the state under the provisions of the aforesaid acts.

5633. Selection and disposal of lands. The selection, management, and disposal of said land shall be vested in the state land commissioner, who is hereby authorized to make all contracts necessary to carry out the provisions of this chapter, and may make such rules not in conflict with this chapter or the said act of congress as it may deem best.

5634. Application for selection of lands. Any person, company, association, or corporation desiring to construct ditches, canals, reservoirs, or other irrigation works to reclaim lands under the provisions of this chapter, shall file with the state land commissioner an application for the selection of the lands to be reclaimed, designating such lands by legal subdivisions. This application shall be accompanied by a proposal to utilize or extend an irrigation system already constructed, or one in process of construction, or the rights to construct which have been acquired, or to construct ditches, canals, reservoirs, or other irrigation works, for the complete reclamation of the lands so designated. The proposal shall be prepared in accordance with the rules of the commissioner and the rules, practice, and regulations of the department of the interior, which shall state the source of water supply, whether the right

to the same has been acquired or its sought to be acquired; the location and dimensions of the works already constructed or in process of construction, or the location and dimensions of the proposed works, with estimated cost of such proposed works, the maximum price and terms per acre at which perpetual water rights will be sold to settlers on the land to be reclaimed, and the maximum price per acre per annum for maintenance tax. In the case of corporations, it shall state the name of the corporation, the purpose of its incorporation, the names and places of residence of its directors and officers, the amount of its authorized and of its paid-up capital. If the applicant is not a corporation, the proposal shall set forth the name or names of the parties, and such other facts as shall enable the commissioner to determine as to their financial ability to carry out the proposed enterprise.

5635. **Certified check required.** A certified check in such reasonable sum as may be required by the rules of the commissioner, not less than \$250, shall accompany each such proposal, the same to be held as guaranty for the execution of the contract with the state in accordance with its terms, by the party submitting such proposal, in case of the approval of the same and the selection of the land by the commissioner, and to be forfeited to the state in case of failure of said parties to enter into a contract with the state in accordance with the provisions of this chapter.

5636. **Commissioner to examine—notice—protests.** Upon receipt of such application and proposal the commissioner shall examine the same, and if it does not comply with the regulations of the department of the interior and the rules of the commissioner, it must be returned to the applicant for correction; but if it does so comply, the commissioner shall determine whether the reclamation of the land applied for can be secured by means of the irrigation system proposed to be extended to such land for the purpose of its reclamation, whether there are sufficient water rights vested in the applicant, or there is sufficient unappropriated water in the source of supply, and whether the capacity of the constructed or proposed works is adequate to reclaim the lands described; whether or not the proposed cost of construction is reasonable; and whether or not the lands proposed to be irrigated are desert in character and such as may be properly set apart under the provisions of said act of congress, and the regulations of the department of the interior thereunder; provided, that immediately upon the filing of any application the commissioner shall give notice for thirty days in a newspaper of general circulation in the state, of the nature of the application and a description in general terms of the lands applied for, giving the county where situated and the source of water supply. Written objections to the application may be filed with the commissioner within forty days from the first publication of said



notice, and the commissioner shall consider and decide upon the merits and sufficiency of such objections.

5637. Request for withdrawal of lands from entry. Upon the filing of said application the commissioner shall forthwith file a list of the lands contained in said application in the local land office with a request for the withdrawal of the land described therein from entry.

5638. Disapproval of application. When applications and proposals are not approved by the commissioner, he shall cause the parties making the same to be notified of his action and his reasons therefor. The parties so notified shall have sixty days after such notification in which to submit a satisfactory proposal. Should such application upon final hearing be not approved by the commissioner, he shall file in the local land office a request to dismiss the application required to be made under the provisions of Section 5637.

5639. Contract with applicant—price of land and water—bond. Upon the withdrawal of the land by the department of the interior, it shall be the duty of the commissioner to enter into a contract with the applicant, which contract shall contain complete specifications of the location, dimensions, character of material, class of work, and estimated cost of the proposed works, and the maximum price and terms per acre at which perpetual water rights shall be sold to settlers, and the maximum cost per annum for the maintenance tax, and the price and terms upon which the state is to dispose of the land to settlers. In the discretion of the commissioner, the contract may provide that the sale to a settler of a tract of land with a permanent water right shall include a pro rata interest in the reservoir and irrigation works, equal to the proportion that the tract of land purchased by him bears to the entire tract to be reclaimed by the said irrigation system; and that upon full payment of the purchase price of the said land and water right, capital stock of the corporation representing such interest shall be transferred to such settler, if the said irrigation system shall be constructed by a corporation, or if by a person or company then such interest shall be conveyed to the settler by the person or company constructing the said irrigation system. The price and terms for water rights, maintenance tax, and land shall in all cases be reasonable; and said contracting party or parties shall have the power to fix, in the contract with the applicant for the land and permanent water right, the amount or quantity of the annual water supply; and said party or parties or corporations shall have the right to provide reasonable rules and regulations for the use and distribution of the annual supply of water, such rules and regulations to be approved by the commissioner; and said contractor shall enter into satisfactory bond in a penal sum equal to five per cent of the estimated cost of the works for the faithful performance of the provisions of the contract with the state; but in no case shall said bond exceed the sum of \$50,000.

5640. **Time for completion—forfeitures.** All contracts shall state that the works covered by the contract shall begin within six months of the day of contract and that the construction shall be prosecuted diligently and continuously to completion, and that the cessation of work under a contract for a period of six months shall forfeit to the state all rights under said contract and the penal sum named in the bond; provided, that no property or right which was vested in the applicant or contractor at the date of the contract shall be forfeited; and provided, also, that in cases of contractors who at the date of the application own or have vested rights in water, and in a reservoir, a reservoir site, canals, or other irrigation works, the forfeiture shall extend only to such portions of the system unconstructed at the time of default and to the penalty of the bond given by such contractor.

5641. **Repeals.** All laws or parts of laws in conflict with Section 5640 are hereby repealed, and no proceedings heretofore taken by the state land commissioner, or by applicants under the provisions of this chapter, shall be held or deemed to be irregular or invalid because of the fixing by Section 5640 of April 1, 1903, as the limit of time for the construction of works under contracts entered into with applicants, or because of the failure of the state of Utah to accept by express enactment the amendments made by congress to Section 4 of the act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894.

5642. **Notice of failure to comply with contract—state may complete.** Upon the failure of the contractor to comply with any requirement of his contract, it shall be the duty of the commissioner to notify such contractor of such failure, and that, unless the contractor shall comply with such requirements within sixty days from the date of such notice, the bond and contract, and, except as herein otherwise provided, all work constructed thereunder shall be at once and thereby forfeited to the state, as provided in Section 5640. The commissioner shall bring action in the proper court to cause the said works to be forfeited, and thereafter shall advertise for proposals to complete the said work, and may, in proper cases, contract with a bidder who will pay the original contractor the highest sum for the works partially completed, and complete the said works, and supply water rights to the settlers on the lands to be reclaimed, for the price and upon the terms stated in the original contract. If no bid shall be received for the completion of said works and furnishing water rights to such settlers, for the price and upon the terms stated in the original contract, then the commissioner shall bring the proper action for recovering the amount of the bond of the contractor.

5643. **Citizens may enter lands—conditions.** Any citizen of the United States, or any person having declared his intention to become a citizen of

the United States, over the age of twenty-one years, may make application to the commissioner to enter any of said lands not exceeding 160 acres, under the regulations of the department of the interior and the rules of the commissioner. Each application must be accompanied by a certified copy of a contract for the perpetual water right made by the applicant with the person or corporation authorized by the commissioner to furnish water for the reclamation of said lands, together with 25 cents per acre for the land applied for, and contain the declaration that he will settle upon and improve said land, and if said application is allowed, the commissioner shall cause to be issued a certificate of the location to the applicant. If the application is not allowed, the 25 cents per acre accompanying it shall be returned to the applicant. If the construction company fails to furnish water to any settler under the provisions of its contract with the state, the state shall refund to such settler all payments that he shall have made to the state. The commissioner shall dispose of all lands accepted by the state under the provisions of this chapter at a price not to exceed \$1 per acre, except for lands within the former Uintah Indian reservation, 25 cents per acre to be paid at the time of entry and the remainder at the time of making the final proof by the settler, but no settler shall be entitled to make more than one entry. For lands within the former Uintah Indian reservation the commissioner shall charge a price of not more than \$2.25 per acre and not less than \$1.50 per acre, 25 cents per acre to be paid at the time of entry and the remainder at the time of making final proof by the settler. Of the price charged for such lands situated within the former Uintah Indian reservation the commissioner shall pay to the United States the sum of \$1.25 per acre as provided in the said act of congress referred to in Section 5632, and the commissioner is hereby authorized to make all contracts necessary and to pay the United States the sum necessary to carry out the provisions of this chapter.

5644. Proceeds to constitute a reclamation fund. All moneys received by the commissioner from the sale of lands selected under the provisions of this chapter shall be deposited with the state treasurer, and such sums as may be necessary shall be available for the payment of the expenses of the commissioner in carrying out the provisions of this chapter, and such expense shall be paid in a warrant drawn by the state auditor in the manner that other expenses of the commissioner are paid, and any balance remaining over and above the expenses necessary to carry out the provisions of this chapter shall constitute a trust fund to be used only for the reclamation of other arid lands; provided, that until there is sufficient money in the said reclamation trust fund the expenses of the commissioner in carrying out the provisions of this chapter may be paid from a Carey act expense fund to be appropriated by the legislature, and the auditor shall register such claims paid out of said expense fund in



the order of their presentation. Whenever, except as provided in this chapter, money is in the said reclamation trust fund equal to a claim which has been paid out of the said Carey act expense fund, the auditor shall draw a warrant on said reclamation fund so as to reimburse the state for sums that have been paid out of said Carey act expense fund. The commissioner shall draw by requisition on the auditor, the sums necessary to pay to the United States in order to obtain patent to lands accepted in this chapter and the auditor shall draw his warrant on said reclamation trust fund giving precedence to sums to be paid to the United States over warrants to reimburse the state for expenses.

5645. Completion of irrigation works. Upon the completion of the said works or any section thereof the contractor shall notify the commissioner that he is prepared to supply water to the land designated in his application, or any particular tract thereof, whereupon the commissioner shall cause proof of that fact to be made to the department of the interior with a request that a patent to such land be issued to the state, and shall cause a notice to be given to each settler of such fact, and within three years thereafter each settler shall appear before the commissioner and make final proof of reclamation, settlement, and occupation in accordance with the regulations of the department of the interior and the rules of the commissioner, and shall make final payment for the land entered by him. Upon final payment by any settler, the state shall issue a patent for the land entered, which shall be executed in the same manner that other patents are executed.

5646. Water rights appurtenant to land—lien for water—foreclosure—redemption. The water rights to all lands acquired under the provisions of this chapter shall attach to and become appurtenant to the land as soon as the title passes from the United States to the state. Any person or corporation furnishing water for any tract of land so acquired shall have a first and prior lien on said water rights and land upon which said water is used, for all deferred payments for said water rights, and said lien to be in all respects prior to any or all other liens created or attempted to be created by the owner and possessor of said land, and shall remain in force and effect until the last deferred payment for the water rights is fully paid and settled according to the terms of the contract under which said water rights were acquired. The contract for the water rights upon which the aforesaid lien is founded shall be recorded in the office of the county recorder of the county where said land is situated. Upon default of any deferred payments secured by any lien under the provisions of this chapter, the person or corporation holding or owning said lien may foreclose the same according to the terms and conditions of the contract granting and selling to the settler the water rights, and such foreclosure shall be in the manner that mortgages are foreclosed in this state; provided, that such settler or

settlers shall have the right, within one year from the date of foreclosure as provided in this section, to redeem such land and water rights, by payment of the sum of such deferred payment or payments with interest at not to exceed twelve per cent per annum, with accrued cost of maintenance.

5647. **Lien on land for cost of reclamation.** Under the provisions and subject to the conditions of the act of congress entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1897, and for other purposes," approved June 11, 1896, and under a section of the sub-title of said act "surveying the public lands," a lien is hereby created in favor of the contractor on and against the separate legal subdivisions of land reclaimed for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers.

5648. **Maps of canals and other irrigation works.** The maps in the office of the commissioner shall show the location of the canals or other irrigation works approved in the contract with the commissioner, and all lands entered under the provisions of this chapter shall be subject after entry to the rights of way of such canals or irrigation works, said right of way to embrace the entire width of the canals and such additional width as may be required for its proper operation and maintenance, the width of right of way to be specified in the contract provided for in this chapter.

5649. **Contractor to make annual reports.** The commissioner shall require annual reports from each contractor, giving such details respecting the fulfillment of the contract as the commissioner may require.

Approved March 5, 1921.

## CHAPTER 125.

Senate Bill No. 84.

Compiled Laws, 1917, p. 1111-1112.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

## RESERVOIR LAND GRANT FUND.

An Act amending Sections 5659 to 5670, both inclusive, relating to the creation of a reservoir land grant fund and providing the manner of constructing reservoirs and disposition of water and the lands to be irrigated thereby.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 5659 to 5670, Compiled Laws of Utah, 1917, be amended to read as follows:

5659. Reservoir land grant fund. There is hereby created a fund to be known as the reservoir land grant fund, said fund to consist of all moneys received from the sale of land selected under the grant for this state of 500,000 acres of land for the establishment of permanent water reservoirs for irrigation purposes.

5660. Reservoir sites and land to be selected—loans. The state land commissioner is hereby authorized and directed to cause to be selected suitable sites for the construction of reservoirs and to procure, by selection, grant, or purchase, the title to the land to be covered by water stored in such reservoirs, and to cause to be constructed suitable reservoirs for the purpose of storing water to be supplied to the state and other lands. The use of the reservoir land grant fund for those purposes shall be preferred. The state land commissioner is hereby authorized and empowered to loan the reservoir land grant fund to corporations or associations within the state of Utah for the construction or completion of reservoirs, whether public or private, at the rate of interest not to exceed 5 per cent per annum, in such sums for such securities, and for such periods of time as in its judgment will promote the interest of the state and encourage the construction of reservoirs for agricultural purposes; provided, that no such loan shall be made except the same be secured by the first lien upon improved real estate or established water rights; nor in an amount to exceed 40 per cent of the cash value of such securities at the time the loan is made; and provided, further, that, upon the completion of any reservoir for which a loan from the reservoir land grant fund has been made, one-tenth of the principal of any loan, together with the accrued interest, shall be repaid to the reservoir land grant fund on the last day of December each year until the full amount of the principal and all accrued interest of any



such loan shall have been fully paid. It is further provided that whenever lands are selected for reservoir sites in connection with an irrigation project to be developed by the state by use of the reservoir land grant fund, and whenever lands are selected for irrigation and reclamation by use of the reservoir land grant fund, said selected lands shall be paid for from the reservoir land grant fund at a price of not less than \$2.50 per acre, the money so realized to go to the various land grants from which the selections were made, said money being divided among these several grants in the same proportion as the selection of lands for said purposes.

5661. **Plans and specifications.** When a reservoir site has been selected, the said commissioner shall cause to be made, by the state engineer, plans and specifications in detail showing the kind and quantity of materials required and the work necessary to be performed in the construction of such reservoir, together with an estimate of the total cost of the same and of the number of acres that may be irrigated therefrom. All plans and specifications shall be made with a view to constructing a substantial, permanent reservoir.

5662. **Contracts—sale of lands and water rights—extension of time for payments.** Upon the determination by the commissioner that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as may be practicable to construct and complete as parts of the whole project, and thereupon the commissioner shall give public notice of the lands irrigable under such project and the limit of area that will be sold to any one citizen, which limit shall represent the acreage which, in the opinion of the commissioner, may be reasonably required for the support of a family upon the lands in question; also the place and time when the lands will be disposed of and also the manner and terms of such disposal. The said charges shall be determined with a view to returning to the reservoir land grant fund the cost of construction of the project, with interest at the rate of 5 per cent per annum, computed from the date of the completion of the project. With reference to lands in private ownership which may be irrigated by the waters of an irrigation project, the commissioner shall make a written contract with each landowner before making any provision for the irrigation of such private lands by means of the irrigation system that is to be constructed. Said contract shall be drawn so as to properly secure the state for the expense of construction of the works necessary to irrigate such private lands and shall provide what the cost of the irrigation of said private land shall be, which in no case shall be less than the actual cost thereof. And the state land commissioner is hereby authorized to sell water or water rights pertaining to any state irrigation project to incorporated irrigation companies upon such securities as shall be approved by the said commissioner, and at a price not less than the actual cost of storage

and delivery of said water. The commissioner shall have authority, when the interests of the state and the successful sale, development, and colonization of the land require such action, to abate payments of interest due from purchasers of land and water or either of them, or to extend the time of payments on principal and interest due or to become due, with or without interest, upon such terms and conditions as to the commissioner shall seem just. Whenever the commissioner has abated interest or granted extensions under the authority given in this section, the action of the commissioner shall be entered in detail upon the records of the commissioner showing in each case the reasons for the action of the commissioner, and full statement of such action shall be included in the next annual report of the commissioner.

5663. State engineer to supervise. During the construction of any reservoir, the said commissioner shall cause the same to be supervised by the state engineer with such assistants as he may deem necessary.

5664. Requisitions for money. As the work progresses, the commissioner shall make requisitions upon the state auditor for such sums of money as may be necessary in payment therefor, and the state auditor must thereupon draw his warrants upon the state treasurer for the amounts specified in such requisitions, the same to be paid out of any money in the reservoir land grant fund.

5665. Funds available. All the reservoir land grant fund is hereby appropriated for the purpose of carrying out the provisions of this chapter.

5668. Unpaid warrants to be registered and draw interest—retirement. If any warrant drawn on the reservoir land grant fund is not paid by the state treasurer upon presentation, he shall register the same and indorse thereon, "not paid for want of funds," giving the date thereof, and such warrants and all warrants heretofore issued and outstanding shall bear interest at the rate of 5 per cent per annum from date of registration until paid, interest payable on the 1st day of April of each year. Whenever the treasurer has the sum of \$1000 on hand in said fund, he shall call in the warrants issued on said fund and registered, in the order of their presentation.

5669. Transfer of land and water right. All reservoirs constructed under the provisions of this chapter, together with the water rights acquired thereby, shall be and remain the property of the state of Utah until the land to be irrigated thereby is sold and disposed of and fully paid for, and the same shall become appurtenant to the lands to be irrigated thereby, and when any such lands are sold and patented by the state such patents shall convey a proportionate interest in such reservoirs and water rights.

5670. Rules and regulations. The state land commissioner is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this chapter into full force and effect.

Approved March 5, 1921.

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## CHAPTER 126.

Senate Bill No. 85.

Compiled Laws, 1917, p. 1113.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### SUBTERRANEAN WATERS—WELLS.

An Act amending Sections 5675, 5676 and 5677, Compiled Laws of Utah, 1917, relating to the sinking of artesian wells.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 5675, 5676 and 5677 be amended to read as follows:

5675. Experiments in sinking wells. The state land commissioner is hereby authorized and directed to conduct experiments in sinking wells, flowing or artesian wells, and other methods of obtaining subterranean waters for culinary purposes on the arid lands within the state.

5676. Location of wells. Such wells shall be located in localities where the surrounding land is adapted for dry farming. Not more than two wells shall be located in any one county.

5677. May be driven on state or private lands—installation of machinery. Such wells may be driven on state or private lands. If on private lands, then the owner thereof must give to the state a good and sufficient deed of conveyance for at least one acre of land where such well is located, together with a right of way for a public highway of not less than four rods in width from the highway to the location of the said well. Whenever it is necessary to install machinery for lifting the water from such wells, the commissioner is hereby authorized and empowered to make such installation and all rules necessary to lease said wells to the responsible bidder who will agree to furnish the water to the users thereof at the lowest price per gallon, for a period not to exceed five years.

Approved March 5, 1921.



## CHAPTER 127.

Senate Bill No. 20.

Compiled Laws, 1917, p. 1114, et. seq.

(Passed February 10, 1921. Approved February 18, 1921. In effect February 18, 1921.)

## DEPARTMENT OF FINANCE AND PURCHASE.

An Act relating to the civil administration of the state government and creating a department of finance and purchase; prescribing the powers and duties thereof; providing for the appointment of a director of finance and purchase and an assistant director, and providing for the salaries of such officers; prescribing certain duties of other departments of the state government relating thereto, and providing for enforcing the performance of such duties; and repealing all Acts and parts of Acts in conflict with this Act.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Creating department. There is hereby created a department of the state government to be known as the "department of finance and purchase."

Sec. 2. Phrases defined—officers and agents included—exception. The phrases "departments," "other departments," and "several departments," as used in this Act shall, unless the context otherwise clearly indicates, mean the following offices, boards, commissions, arms and agencies of the state government, viz.:

The governor

Secretary of state

State auditor

State treasurer

Attorney general

State superintendent of public instruction

Agricultural college of Utah

State inspector of apiaries

Department of agriculture

School building commission

Utah art institute

State banking department

Commission for the adult blind  
Board of corrections  
State crops and pests commission  
State dairy and food bureau  
Dairy and food commissioner for the state of Utah  
Utah school for the blind  
Utah school for the deaf  
Utah state fair association  
Commission for the feeble-minded  
State fish and game commissioner  
State board of health and vital statistics  
State engineer  
Industrial commission of Utah  
State industrial school  
Insurance department of the state of Utah  
Commissioner of insurance  
State board of land commissioners  
State historical society  
State livestock board  
Public utilities commission  
Department of registration  
University of Utah  
National guard of Utah  
State board of equalization  
State mental hospital  
State securities commission  
Utah state prison  
State miners hospital  
State board of horse commissioners  
State bacteriologist and pathologist  
State chemist  
Commissioner of Indian war records

State inspector of coal and hydrocarbon mines

State armory board

State road commission

Commissioner of immigration, labor and statistics,

and all other offices, boards, commissions, arms and agencies of the state government now in existence, or that may be hereafter created, for the purpose of carrying out the administrative functions of the state government, except those which the provisions of the constitution of the state of Utah shall prohibit from coming under the operations of this Act.

Sec. 3. Bookkeeping — accounts—receipts—expenditures—purchases—disallowances—reports. The department of finance and purchase shall have power:

(a) To prescribe and require the installation of a uniform system of bookkeeping, accounting and recording for the other departments, to standardize the salaries of clerical and stenographic employees, and to prescribe the minimum hours of work to be required in the various departments;

(b) To prescribe forms for accounts and financial reports and statements for the several departments;

(c) To supervise, control and examine the accounts, requisitions and expenditures of the other departments;

(d) To examine, at any and all times into the accuracy and legality of the accounts, receipts and expenditures of the public moneys and the disposition and use of the public property by the other departments;

(e) To keep such summary and controlling accounts as may be necessary to determine the accuracy of the detail accounts and reports from the other departments, and to prescribe the manner and method of certifying that funds are available and adequate to meet all contracts and obligations;

(f) To report to the attorney general for such action, civil or criminal, as the attorney general may deem necessary, all facts showing illegal expenditures of the public money or misappropriation of the public property;

(g) To examine and approve, or disapprove, all requisitions, and proposed expenditures of the several departments, and no requisition of any of the other departments shall be allowed, nor shall any obligation be created (except in compliance with the determinations and regulations of the department of finance and purchase relating to emergency purchases) without the approval and certificate of the department of finance and purchase;



(h) To prescribe the form of requisition, receipt, voucher, bill or claim to be filed by the several departments with the department of finance and purchase;

(i) In settling the accounts of the several departments, to inquire into and make an inspection of articles and materials furnished or work and labor performed, for the purpose of ascertaining that the prices, quality and amount of such articles or labor are fair, just and reasonable, and that all the requirements, express and implied, pertaining thereto have been complied with, and to reject and disallow any excess;

(j) To prepare and report to the governor, when requested, estimates of the income and revenues of the state;

(k) To prepare and submit to the governor biennially, not later than the first day of January preceding the convening of the legislature, a state budget;

(l) To publish, from time to time, for the information of the several departments and of the general public, bulletins of the work of the state government;

(m) To investigate duplication of work of departments and the efficiency of the organization and administration of departments, and to formulate and put into effect plans for the better co-operation of departments and the co-ordination of work, eliminating duplication and overlapping of functions;

(n) To contract for, purchase, or otherwise procure, and supply, except in cases of emergency, all equipment, materials, provisions, furniture and furnishings, instruments and apparatus, tools, machinery and supplies, stationery, printing and binding, the publication of all laws, codes, journals and reports, including the decisions of the supreme court, fuel, heat-service, light-service, water-service, and other like office and building services, necessary for its own purposes, and required by the several departments, and by all the other departments of the state government; provided that all contracts and purchases in excess of one thousand (\$1,000.00) dollars, except in cases of emergency and in the case of perishable goods, shall be made on contract, let, after advertisement for bids, to the lowest responsible bidder;

(o) To sell any material, equipment or supplies belonging to the state and not required for state purposes and pay the proceeds thereof into the state treasury to the credit of the general fund, or, in the discretion of the director of finance and purchase, with the consent of the board of examiners, to the credit of the particular department or institution from which such material, equipment or supplies may be taken;

(p) To hire all offices for the state officers, to furnish the same, and to keep the furniture in repair; and to hire and furnish halls and rooms for the use of the legislature, to provide furniture therefor, and to keep the same in repair;

(q) To prescribe uniform rules governing specifications for purchases made by the department, the advertisement for proposals, the opening of bids and the making of awards, to keep a catalogue of prices current and to analyze and tabulate prices paid and quantities purchased;

(r) To make and enforce all necessary rules and regulations for requisitions by the other departments and for the supervision, control and examination imposed by this Act on the department of finance and purchase, including the power to determine from time to time what shall be included within the meaning of the phrase "emergency purchases," and the regulation of such emergency purchases;

(s) To adopt and keep an official seal.

Sec. 4. Director of finance—powers—salary—bond. The department of finance and purchase shall have an officer at its head who shall be known as the director of finance and purchase, and who shall execute the powers and discharge the duties vested by law in that department. The director of finance and purchase shall be appointed by the governor, and may be removed by the governor at his pleasure. The director of finance and purchase shall receive an annual salary of five thousand (\$5,000.00) dollars, payable in equal quarter-annual installments. The director of finance and purchase shall, before entering upon the discharge of the duties of his office, take and subscribe the constitutional oath of office and file the same in the office of the secretary of state and shall give bond, with security to be approved by the governor, in such penal sum as shall be fixed by the governor, not less in any case than five thousand (\$5,000.00) dollars, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state, the premium of such bond to be paid by the state of Utah.

Sec. 5. Assistant director and employees. The director of finance and purchase may have an assistant director, and also such clerical and stenographic help as the director, with the written approval of the governor, may from time to time require, to be appointed and relieved in the discretion of the director of the department, the compensation of the assistant director to be fixed from time to time by the director, with the approval of the board of examiners. The board of examiners may require the assistant director to give bond with security in such penal sum as the board of examiners may determine, conditioned for the faithful performance of the duties of the assistant director, which bond

shall be filed in the office of the secretary of state, the premium on such bond to be paid by the state of Utah.

Sec. 6. Departments to aid director—penalty for failure. Whenever in this Act power is vested in, or any duty is imposed upon the department of finance and purchase, the duty is hereby imposed upon each and all of the other departments to do all things necessary to make such power effective, and to enable the department of finance and purchase to discharge such duties. For the purpose of enforcing the provisions of this section, the state auditor shall withhold all warrants payable on account of any department, or to such particular officials, employees or account, as the governor may direct, on written notice from the governor that such department or any of its officials or employees, has failed or is failing to comply with the provisions of this section, such warrants to be withheld until written notice from the governor to the effect that the provisions of this section, are being fully complied with by such department, its officials and employees and that reparation has been made for all loss caused to the state by such failure to comply with the provisions of this section.

Sec. 7. Departments to report. Each department shall annually on or before the first day of December, and at such other times as the governor may require, report in writing directly to the governor, or through the department of finance and purchase, as the governor may direct, concerning the condition, management and financial transactions of the department so reporting.

Sec. 8. Departments to make estimates. Each department, shall, before an appropriation to such department becomes available for expenditure, prepare and submit to the department of finance and purchase an estimate of the amount required for each activity to be carried on, and accounts shall be kept and reports rendered showing the expenditures for each such purpose.

Sec. 9. General repeal. All Acts and parts of Acts in conflict with this Act are to the extent of such conflict, hereby repealed.

Sec. 10. Provision unconstitutional, others not affected. Should the courts of this state declare any section or provision of this Act unconstitutional or unauthorized, or in conflict with any other section or provision of this Act, then such decision shall affect only the section or provision so declared to be unconstitutional or unauthorized and shall not affect any other section or part of this Act.

Sec. 11. This Act shall take effect upon approval.

Approved February 18, 1921.



## CHAPTER 128.

Senate Bill No. 21.

Compiled Laws, 1917, p. 1117.

(Passed February 11, 1921. Approved February 18, 1921. In effect February 18, 1921.)

## DUTIES OF SECRETARY OF STATE.

An Act amending Sections 5695 and 5698, and repealing Sections 5699, 5700, 5701 and 5702, Compiled Laws of Utah, 1917, relating to the secretary of state.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 5695 and 5698, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

5695. Duties. In addition to the duties prescribed by the constitution, it is the duty of the secretary of state:

1. To attend to every session of the legislature for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two houses, or either of them;

2. To keep a register of and attest the official acts of the governor;

3. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;

4. To record in proper books all conveyances made to the state, and to file all articles of incorporation deposited in his office;

5. To receive and record in proper books the official bonds of all state officers, required to give bond, and then to deliver the originals to the state treasurer, excepting the bond of the state treasurer, of which the secretary shall remain the custodian;

6. To take and file in his office receipts for all books distributed by him, and to direct the county clerk of each county to do the same;

7. To certify to the governor the names of those parties who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

8. To furnish on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed or deposited or recorded in his office;

9. To deliver to the printer entitled to the same, at the earliest day practicable after a final adjournment of each session of the legislature, copies of all laws, resolutions and journals kept, passed, or adopted at such session, with proper indexes of the same;

10. To notify in writing the county attorney of the proper county of the failure of any officer in his county to file in his office a sworn statement of fees received by such officer, when such sworn statement is required by law;

11. To keep a fee-book, as provided by law, which book must be verified annually by his affidavit entered therein;

12. To file in his office descriptions of seals in use by the different state officers, and to furnish such officers with new seals whenever required;

13. To discharge the duties of a member of all official boards of which he is or may be made a member by the constitution or the laws of the state, and all other duties required of him by law;

14. To report to the governor, on or before the 1st day of January preceding the biennial session of the legislature, a detailed statement, under oath, of the manner in which all appropriations for his office have been expended;

15. To receive, designate, and record all trade marks;

16. As soon as he receives the bound reports of the supreme court, he shall deliver to the clerk of the supreme court, as state law librarian, a sufficient number, which the latter shall distribute as follows: to the library of congress and to the state law library, each two copies; to such of the states and territories of the United States as will exchange reports with this state, each one copy; to the governor, to the United States district judge for this state, to the justices of the supreme court, to the justices of the district courts, to the attorney general, to county attorneys, and to clerks of the district courts, each one copy; provided, that the clerk of the district court of Salt Lake county shall be entitled to six copies of each report of the decisions of the supreme court of the state, for the use of the district courts of Salt Lake county.

5698. Superintendent of state capitol—expenditures therefor. The secretary of state is the superintendent and has charge of the state capitol, or rooms or buildings hired for that purpose, and he must keep the same and property therein in good order and repair, provided

that all expenditures in connection therewith shall be under the direction of the department of finance and purchase.

Sec. 2. Sections repealed. Sections 5699, 5700, 5701 and 5702 are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved February 18, 1921.

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## CHAPTER 129.

House Bill No. 50.

Compiled Laws, 1917, pp. 1120, 1125.

(Passed February 17, 1921. Approved March 1, 1921. In effect May 10, 1921.)

### BONDS OF STATE OFFICERS.

An Act to amend Sections 5712, 5721, 5732 and 5737, of the Compiled Laws of Utah, 1917, and adding Section 5737x, fixing the amount and kinds of bonds to be furnished by certain state officers and their deputies, and providing for the payments thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended—addition. That Sections 5712, 5721, 5732 and 5737 of the Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows, and that Section 5737x be and the same is hereby added to Chapter 5, Title 102, of the Compiled Laws of Utah, 1917.

Sec. 5712. Bond of secretary of state. The secretary of state shall give to the state a surety company bond in the sum of \$25,000.00; the premium of said bond shall be paid by the state.

Sec. 5721. Auditor. The state auditor shall give to the state a surety company bond in the sum of \$50,000.00; the premium of said bond shall be paid by the state.

Sec. 5732. Treasurer. The state treasurer shall give to the state a surety company bond in the sum of \$350,000.00; the premium of said bond shall be paid by the state.

Sec. 5737. Attorney general. The attorney general shall give to the state a surety company bond in the sum of \$5,000.00; the premium of said bond shall be paid by the state.



Sec. 5737x. **Deputies.** In any case where a deputy to any of the officers mentioned in Sections 5712, 5721, 5732 and 5737 is required to give a bond, he shall give to the state a surety company bond; the premium of which shall be paid by the state.

Approved March 1, 1921.

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## CHAPTER 130.

Senate Bill No. 36.

Compiled Laws, 1917, p. 1131; Laws, 1919, p. 288.

(Passed February 28, 1921. Approved March 5, 1921. In effect March 5, 1921.)

### DEPARTMENT OF REGISTRATION.

An Act creating a department of registration; prescribing the powers and duties thereof; providing for the appointment of a director of such department and fixing the salary of such director; providing for the licensing of members of the various occupations, trades and professions devolving upon the department of registration for administration and the annual renewal of licenses and designating persons of prescribed qualifications to report concerning such occupations, trades, and professions and prescribing the qualifications of such persons; providing for fees for licenses and renewals and prescribing a penalty for practicing without a license.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Department of registration. There is hereby created a department of the state government to be known as the "Department of Registration."

Sec. 2. Has powers vested in other boards—issue certificates and licenses—make rules, enforce laws—seal. The department of registration shall have power:

(a) To exercise the rights, powers and duties heretofore exercised and vested by law in the following boards and commissions:

State board of accountancy,

State board of architecture,

Utah state board of examiners of barbers,

State board of dental examiners,

State board of medical examiners,

State board of examination and registration of hospital trained and graduate nurses,

Utah state board of examiners in optometry,

State board of pharmacy,

Utah state board of veterinary medical examiners,

and all records, papers, documents and property belonging to or used by any of said boards or commissions shall be forthwith transferred to and thereafter kept by the department of registration.

(b) To issue certificates and licenses to any of the members of the professions, trades and occupations which are now, or hereafter may be, devolved upon the department of registration for administration; to collect for each certificate or license a fee not exceeding \$50.00; to require the annual renewal of such certificates and licenses, and to collect for each such renewal a fee of not exceeding \$5.00.

(c) To formulate and enforce rules and regulations when required in the administration of any of its duties or the performance of any of its functions.

(d) To adopt and keep an official seal.

(e) To keep at its office, in the state capitol, open to public inspection during business hours, a complete indexed record of all licenses, commissions, authorities and renewals issued by the department, and such other records as the director may determine.

(f) To enforce the laws relating to the practice of the several professions, trades and occupations which are now, or hereafter may be, devolved upon the department of registration for administration.

Sec. 3. Examinations—pass on qualifications—conduct hearings—designate examiners—per diem—order rehearings. The department of registration shall, whenever the several laws regulating professions, trades and occupations which are devolved upon the department for administration so require, exercise, in its name, but subject to the provisions of this Act, the following powers:

(a) Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade or occupation for which an examination is held; and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities;

(b) Prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades or occupations;

(c) Prescribe rules and regulations defining, for the respective professions, trades and occupations, what shall constitute a school, college

or university, or department of a university, or other institutions, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, reference to a compliance with such rules and regulations;

(d) Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations;

(e) Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities;

(f) Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons exercising the respective professions, trades or occupations, and to revoke or refuse to renew such licenses, certificates or authorities.

None of the above enumerated functions and duties shall be exercised by the department of registration, except upon the action and report in writing of persons designated by the director of registration to take such action and to make such report, for the respective professions, trades and occupations as follows:

For the accountants, three competent and skilled public accountants, who shall have been in practice as such in this state for not less than three years; and who shall hold accountants' certificates issued under the laws of this state;

For the architects, five persons who shall be licensed architects residing in the state of Utah who have been engaged in the practice of architecture in said state for at least five years;

For the barbers, three persons citizens of the United States and barbers licensed under the laws of this state, who have practiced barbering for at least five years, and have resided in this state for at least one year; provided, that in the discretion of the director, one of such persons may be a licensed medical practitioner.

For the dentists, five persons, each one of whom shall be a licensed reputable and ethical practicing dentist, and shall have been actively and legally engaged in the practice of dentistry in this state for at least five years; no such person shall be a member of the faculty of any dental



college or dental department of any medical college or have any financial interest in any such college.

For the medical practitioners, the practitioners of obstetrics, the practitioners of osteopathy and the practitioners of any other system or method of treating human ailments, five persons, each one of whom shall be a licensed practitioner of medicine in this state and a graduate of a legally chartered medical school and in good standing; provided, that for the purpose of preparing questions and rating papers, on practice peculiar to any school, graduates of which may be candidates for registration or license, the director shall designate additional or other examiners whenever occasion may require;

For the hospital trained and graduate nurses, five persons, each one of whom shall be a licensed trained nurse, at least twenty-three years of age, and a graduate of a training school connected with a hospital of recognized standing;

For the optometrists, three persons, each of whom shall be a resident of the state of Utah, a licensed optometrist under the laws thereof, and shall have been engaged in the actual practice of optometry in this state for at least five years;

For the pharmacists, five competent pharmacists each of whom shall have had ten years experience as a dispensing pharmacist;

For the veterinary practitioners, three qualified licensed veterinarians, each of whom shall be a graduate of a college or university recognized by the department of agriculture, Washington, D. C., and who shall be of good standing in the profession.

All of the foregoing persons to be so designated shall receive \$5.00 per diem for his services, provided, however, that each shall also receive the necessary traveling and hotel expenses actually incurred in the discharge of his duties.

The action or report in writing of a majority of the persons designated for any given trade, occupation or profession, shall be sufficient authority upon which the director of registration may act.

In making the designation of persons to act for the several professions, trades and occupations, the director shall give due consideration to recommendations by members of the respective professions, trades and occupations and by organizations therein, and the names of all persons so designated shall be submitted to the governor for confirmation or rejection, if confirmed, they shall serve until removed by the director.

Whenever the director is satisfied that substantial justice has not been done either in an examination or in the revocation of or refusal

to renew a license, certificate or authority, he may order re-examinations or rehearings by the same or other examiners.

Sec. 4. Issue all certificates, licenses, renewals, etc. All certificates, licenses, renewals and authorities shall be issued by the department of registration in the name of such department, with the seal thereof attached.

Sec. 5. Director of registration—salary—witnesses—clerical aid. The department of registration shall have an officer at its head who shall be known as the director of registration, and who shall exercise the powers and discharge the duties vested by law in that department. The director of registration shall be appointed or removed by the governor and shall hold office until his successor is appointed and qualified, provided, that the director of registration shall not be affiliated with any college or school of any of the professions, trades or occupations which are now, or hereafter may be, devolved upon the department of registration for administration, either as teacher, officer, or stockholder, nor shall he hold a license or certificate to exercise or practice any of such professions, trades or occupations, nor shall he at any time have been engaged in the practice of any such professions, trades or occupations. The director of registration shall receive an annual salary of three thousand dollars, (\$3,000.00), payable in equal quarter-annual installments.

The director of registration shall have such clerical, stenographic and other help as the director, with the written approval of the board of examiners, may from time to time require, to be appointed and relieved in the discretion of the director.

The director of the department of registration shall have power to administer oaths, conduct hearings, and under the seal of the department, to subpoena witnesses.

Sec. 6. Money to go into state treasury—payment of expenses, etc. The gross amount of money received by the department of registration, during each month, shall be paid into the state treasury, to the credit of the general fund, not later than the second day of the following month, without any deduction on account of salaries, fees, costs, charges, expenses or claims of any description whatever, and the state auditor is hereby authorized and directed to transfer to the state general fund any balances now remaining to the credit of any board or department enumerated in Sub-section (a) of Section 2 of this Act; provided, that any claims against any of the said boards or departments which have heretofore been contracted and which are properly approved by the state board of examiners and filed with the state auditor, may be paid from the state general fund.

Sec. 7. Practice without license—penalty. Any person practicing or engaging in any of the professions, trades or occupations which are devolved upon the department of registration for administration, without having first procured from such department a license, certificate or authority so to do, and the required annual renewals thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall, except in cases where some other penalty is specifically provided by law, be punished by a fine of not less than \$50.00 nor more than \$299.00, or by imprisonment, in the county jail, for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

Sec. 8. Present licenses, etc., validated. Nothing herein contained shall be construed to invalidate or cancel any certificate, license, or authority heretofore issued or given by any of the boards named in Subsection (a) of Section 2 hereof and now unrevoked and in good standing; provided, however, that all such certificates, licenses and authorities shall be subject to the provisions of this Act relating to annual registrations or renewals.

Sec. 9. Acts repealed. All Acts and parts of Acts in conflict with this Act are to the extent of such conflict, hereby repealed.

Sec. 10. This Act shall take effect upon approval.

Approved March 5, 1921.

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## CHAPTER 131.

House Bill No. 222.

Compiled Laws, 1917, p. 1131; Laws, 1919, p. 309;  
Special Sess., 1919, p. 28.

(Passed March 10, 1921. Approved March 14, 1921. In effect May 10, 1921.)

### PREVENTION OF FRAUD IN SALE OF SECURITIES.

An Act to amend Sections 2, 3, 4, 7 and 9, Chapter 17, Special Session Laws of Utah, 1919, relating to prevention of fraud in the sale of securities.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 2, Chapter 17, Special Session Laws of Utah, 1919, be and is hereby amended to read as follows:

Sec. 2. Securities not included—provisions not applicable. The provisions of this Act shall not apply to:



(a) Securities of the United States or any foreign government or any state or territory thereof, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States or foreign government.

(b) Securities of banks organized under the provisions of the federal reserve act, federal farm loan banks, national banks, state banks, corporations organized under the laws of the United States for the purpose of promoting or financing foreign trade, or mutual building and loan associations; but not including building and loan associations where there is a preference in the division or profits of the company.

(c) Securities of public corporations, the issuance of which is regulated by public service commissions or boards of supervision, in this state or of any other state or territory of the United States.

(d) Commercial paper or negotiable promissory notes due not more than three years from their date.

(e) Securities of any domestic corporation or co-operative association organized without capital stock and not for pecuniary gain or exclusively for educational, religious, benevolent, charitable or reformatory purposes.

(f) Mortgages or notes or bonds secured by mortgages on real or personal property where the entire indebtedness and security is sold and transferred.

(g) Securities sold pursuant to the order of any court.

(h) Isolated or single transactions.

(i) Sales of stock for delinquent assessment.

(j) Securities of corporations which are listed in any standard manual of information approved by the commission.

**Sec. 2. Section amended.** That Section 3, Chapter 17, Special Session Laws of Utah, 1919, be and is hereby amended to read as follows:

**Sec. 3. Terms defined.** "Investment company" for the purpose of this Act shall mean every person, firm, co-partnership, trust, joint stock association, common law company, foreign and domestic corporation, excepting those specifically exempted under Section 2 of this Act; that shall engage in the business within the state of Utah of selling or negotiating for the sale of any stocks, bonds, units, investment contracts or other securities herein called "securities" issued by said person, firm, co-partnership, trust, joint stock association, common law company, foreign and domestic corporation.

"Dealer" for the purpose of this Act shall mean every person, firm, domestic or foreign corporation that shall sell or offer for sale within

this state any of the stocks, bonds, investment contracts or other securities issued by any investment company as herein defined and except such as are specifically exempted as provided in Section 2 hereof, or that shall by advertisement or otherwise engage in or profess to engage in the business of selling, bartering or offering for sale or exchange such securities.

“Bucketing” for the purposes of this Act shall mean:

(a) The making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend, or the dealer intends, that such contract shall be or may be, terminated, closed, or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or

(b) The making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend, or the dealer intends, that such contract shall be, or may be, deemed terminated, closed, or settled, when such public market quotations of prices for the securities or commodities named in such contract shall reach a certain figure without a bona fide purchase or sale of the same; or

(c) The making of or offering to make any contract respecting the purchase or sale of any securities or commodities wherein both parties thereto do not intend, or the dealer does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or the dealer does intend, a settlement of such contract based upon the difference in such public market quotations of prices at which said securities or commodities are or are asserted to be bought and sold.

**Sec. 4. No securities to be sold without license—application, what shall show—fee.** No investment company shall sell or offer for sale or exchange within the state of Utah any securities as herein defined or engage in the business of selling or offering for sale such securities without first registering with the commission and making application for and receiving a license authorizing the sale or exchange of such securities. The application for such license shall be made under oath and upon forms prescribed by said commission and shall obtain the following information, to-wit:

(a) The investment company’s name and resident address.

(b) General character of securities to be sold or dealt in.

(c) A specific statement of the property, rights, titles and interests owned upon which the value of the stock is based.

(d) The place or places where the business of selling securities is to be conducted within the state and where the business in this state is not to be conducted by the investment company then the names and addresses of all persons authorized to conduct such business.

(e) The total authorized capital stock of any corporation whose securities are offered for sale.

(f) The amount of the capital stock of any corporation whose securities are offered for sale, subscribed and issued.

(g) The consideration paid to the corporation for capital stock issued and if any part of the stock so issued is issued for property, patent rights, copyrights, good will, or other thing of value, a detailed description of the property so transferred to and received by the corporation.

(h) A detailed statement of all promotion stock issued, with the names and addresses of the individuals receiving the same.

(i) The names of the officers and directors of the corporation with a statement of the salaries, commissions, fees, or any other compensation paid to them as such officers or directors.

(j) The names of the agents authorized to solicit purchases of said stock; whether or not such agents receive fees, commissions, or salaries, and if so, the amount thereof.

(k) Such other and further information as the commission may from time to time in the performance of its duties require.

Said investment company shall accompany the application for license with a certified check or lawful money of the United States in the amount of one-tenth of one per cent of the price at which it is proposed to sell the securities for the sale of which application is made, provided that such filing fee shall not exceed \$200.00 and shall not be less than \$10.00.

**Sec. 7. Fee for agents—renewal fee.** In addition to the filing and examination fees herein provided for to be paid by said investment company or dealer, there shall be charged and collected by said commission a fee of \$5.00 for the registration and authorization of each agent of such investment company or dealer which fee and registration shall entitle each agent to act as such for one year from the date of the receipt of such authorization unless said authority is sooner revoked. Each of such agents shall make a new registration each year for the renewal of their agency, and the commission shall charge and collect for each renewal a registration fee of \$5.00.

**Sec. 9. Fees for dealer—bond.** At the time of presenting such statement and application for filing the dealer shall:



(1) Pay to the commission the sum of \$25.00 as a license fee for the calendar year, and a license fee of \$25.00 shall be paid before the license shall be issued for any calendar year thereafter. Such fees shall be turned into the state treasury and credited to the state securities commission fund.

(2) Deliver to the commission a good and sufficient bond for \$5,000.00 payable to the state of Utah, to be executed by said applicant, together with a surety company or two good and sufficient sureties, and to be approved both as to form and sureties by the commission. Said bonds shall be conditioned upon the faithful compliance with the provisions of law by said applicant, and provided that upon failure to so comply, the applicant shall be liable to any and all persons who may suffer loss by reason thereof.

20x.—Stock exchange must have license—penalty for violation. No organization of one or more individuals shall organize or conduct a public stock exchange for the purpose of buying or selling stocks and bonds with or without the payment of commission or brokerage, without first obtaining the sanction of the commission, and the commission shall have full power to impose such conditions and regulations for its operation as they may see fit. Violation of this law renders the individual or individuals operating such exchange without the authority of the commission liable to a fine of \$100 for each and every day that it is operated without a license.

Approved March 14, 1921.

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## CHAPTER 132.

Senate Bill No. 90.

Compiled Laws, 1917, p. 1144; Laws, 1919, p. 318.

(Passed February 26, 1921. Approved March 5, 1921. In effect May 10, 1921.)

### TAXATION OF STATE LANDS UNDER LEASE, ETC.

An Act amending Section 5862, Compiled Laws of Utah, 1917, as amended by Chapter 113, Laws of Utah, 1919, relating to the taxing of the vendee's interest in land purchased from the state.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 5862, Compiled Laws of Utah, 1917, as amended by Chapter 113, Laws of Utah, 1919, be amended to read as follows:

5862. No tax on reserved title—final payment, title passes. No tax shall be levied upon lands, the title to which remains in the state, held or

occupied by any person under a contract of sale or lease from the state of Utah; but this provision shall not be construed to prevent the taxation of improvements on such lands and the interest in the land to the extent of money paid, or due, whether an extension of payment has been granted or not, prior to the levying of such tax in part payment of the purchase price thereof. And provided further that where final payment has been made upon such lands the contract of sale shall, for the purpose of taxation, be regarded as passing title to the purchaser or assignee, and the state land commissioner shall immediately certify the receipt of such final payment to the state board of equalization.

Approved March 5, 1921.

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## CHAPTER 133.

House Bill No. 180.

Compiled Laws, 1917, p. 1144.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### COMMISSION ON REVISION OF SYSTEM OF TAXATION.

An Act creating a commission to investigate and report upon the question of revising the system of taxation now in effect in the state of Utah and appropriating money to pay the expenses thereof.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Commission of five. That the governor of the state of Utah be and he is hereby empowered and directed to appoint a commission of five persons, citizens of the state of Utah, who shall serve without pay and of which number one shall be a member of the state board of equalization, which commission when appointed shall have power and authority to inquire into and make recommendations as to the policy or necessity of the adoption by appropriate legislation of a system of taxation of incomes or of a classified property tax, or of such other system of taxation of property, real and personal, tangible and intangible, as in the judgment of such commission may be conducive to the equitable distribution of the burden of taxation and to afford adequate revenues to the state.

Sec. 2. Office and powers. Said commission shall have its office at Salt Lake City, but it is empowered to meet at such places within the state of Utah as may be convenient for the transaction of its business; it shall have power to take testimony and to examine witnesses and for that purpose to administer oaths, and the attorney general of the state of Utah is designated as the legal representative of said

commission and authorized and directed to advise with and assist the said commission in its investigations and hearings. The said commission may also employ such clerical help as may be necessary in the conduct of its work.

Sec. 3. Report by January 1, 1923. On or before January 1, 1923, the said commission shall make full report to the governor of the state of Utah of its proceedings with such recommendations upon the subject of taxation and upon the subject of legislation affecting taxation as it may adopt, and it shall further report its recommendations to the president of the senate and the speaker of the house of the next ensuing session of the legislature of this state.

Sec. 4. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5000.00) or so much thereof as may be necessary for carrying out the purposes of this Act.

Approved March 17, 1921.

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## CHAPTER 134.

House Bill No. 6.

Compiled Laws, 1917, p. 1153; Laws, 1919, p. 333.

(Passed January 27, 1921. Approved February 23, 1921. In effect February 23, 1921.)

### TAXING TRANSIENT LIVESTOCK.

An Act to amend Section 5901, Chapter 115, of the Session Laws of 1919, providing for the apportionment and pro-rating of taxes collected on transient livestock.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 5901 is hereby amended to read as follows:

5901. Tax money remitted—pro-rated—apportioned. All taxes paid in advance to the assessor and all taxes collected by the treasurer of any county where such transient livestock are assessed, after deducting therefrom the cost of assessing and collecting the same, which shall not exceed 5 per cent of the amount paid or collected, shall on or before the first day of January of each year be remitted by the treasurer of such county to the state treasurer; with his remittance the county treasurer shall give the name of each person paying any part of such tax together with the kind and number of livestock and the valuation thereof on which the taxes were paid, and a statement of the amount



of the several kinds of taxes included in the collection. A duplicate of such statement shall be mailed to the state board of equalization. All county, county school and district school taxes so received shall be disbursed by him upon orders authorizing the same by the state board of equalization. On or before March first of each year the state board of equalization shall cause such moneys to be pro-rated between the counties wherein said transient livestock have been grazed or fed during the current year, apportioning to each county entitled thereto, such portion of said taxes as the time during which such livestock ranged, or were fed, in said county would bear to the whole year, as shown by such certificates on file with said board of equalization. All district school funds received hereunder by any county participating in the distribution of taxes on transient livestock, other than the county where such stock are assessed, shall be apportioned to the several school districts of the county in the same manner as the county school fund is apportioned.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved February 23, 1921.

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## CHAPTER 135.

House Bill No. 181.

Compiled Laws, p. 1153; Laws, 1919, p. 332.

(Passed March 9, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### TAXING TRANSIENT LIVESTOCK.

An Act amending Sections 5897, 5898 and 5901, Compiled Laws of Utah, 1917, as amended by Chapter 115, Laws of Utah, 1919, relating to the assessment of transient livestock.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 5897, 5898 and 5901, be amended to read as follows:

5897. Certificate of herd required. It shall be the duty of every person or persons, within twenty days after bringing transient livestock into any county of the state from any other state or from any county of the state, to set out certificates of each herd signed by such person or persons or their agents, showing the number and kind of livestock, with the marks and brands on same, and file said certificates in duplicate

with the county assessor of each county into which said livestock shall be brought, which certificate shall be substantially in the following form:

State of Utah, County of \_\_\_\_\_, ss.

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I brought into the county of \_\_\_\_\_ from \_\_\_\_\_ herd of \_\_\_\_\_ branded \_\_\_\_\_, on the \_\_\_\_\_ and marked \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_

By \_\_\_\_\_ Agent.

5898. Duty of assessor—certificate of assessment. It shall be the duty of the assessor to procure said certificates and upon the filing thereof, to keep an index in his office, and provided such transient stock have not been previously assessed, enter an abstract of such certificates on the assessment roll for the current year, and issue any further certificates of assessment of such herd showing the time and place, number and description of the animals assessed, whether the taxes were paid in advance or a bond given, which certificates shall be substantially in the following form:

State of Utah, county of \_\_\_\_\_ ss.

I hereby certify that I have this day assessed \_\_\_\_\_ herd of \_\_\_\_\_, branded \_\_\_\_\_ on \_\_\_\_\_ and marked as follows \_\_\_\_\_ property of \_\_\_\_\_ a resident of \_\_\_\_\_ county, state of \_\_\_\_\_

The owner has given bond to secure taxes. Paid taxes in advance for the year \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_ Assessor

\_\_\_\_\_ Deputy

5901. Tax moneys pro-rated—exceptions—apportionment to certain funds. It shall be the duty of the county commissioners of each county wherein such certificates have been filed to make a demand during the month of January, except that for the year 1921 the demand may be made in the month of March, upon the commissioners of the county where the entire tax of the previous year on the transient livestock represented by such certificates was collected, claiming from such county such proportion of the taxes as the time during which such livestock

ranged in said county would bear to the whole of the year, which claim, after deducting therefrom the cost of assessing and collecting the same, which shall not exceed 5 per cent of the amount claimed, shall be paid by the county receiving the entire tax; provided, that no portion of the tax collected for state or state school or state bounty purposes shall be considered in this connection. Said demand shall be accompanied by certified copies of the certificates upon which said sums are based. All district school funds received hereunder by any county participating in the distribution of taxes on transient stock, other than one county where such stock are assessed, shall be apportioned to the several school districts of the county in the same manner as the county school fund is apportioned.

Sec. 2. State treasurer to remit—state board of equalization to return grazing certificates. The state treasurer is hereby directed to remit to the respective county treasurers of the state all moneys remitted to him under the provisions of Chapter 115, Laws of Utah, 1919, and the county commissioners of such counties are hereby authorized and directed to distribute all such funds in accordance with the provisions of Section 5901 as above amended, and the state board of equalization is hereby directed to return to the county assessors of the respective counties the grazing certificates heretofore filed with this board.

Sec. 3. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 136.

House Bill No. 14.

Compiled Laws, 1917, p. 1169; Laws, 1919, p. 319.

(Passed February 18, 1921. Approved March 1, 1921. In effect March 1, 1921.)

### STATE BOARD OF EQUALIZATION AND ASSESSMENT.

An Act to amend Section 5983, Compiled Laws of Utah, 1917, as amended by Chapter 114, Laws of Utah, 1919.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 5983, of the Compiled Laws of Utah, 1917, as amended by Chapter 114, Laws of Utah, 1919, be and the same is hereby amended to read as follows:

5983—a. State board of equalization—term—salary—appointment—vacancy—continuous session—at capitol. The governor shall nominate, and



by and with the consent of the senate, appoint three residents of the state of Utah, not more than two of whom shall belong to the same political party, to constitute a state board of equalization, which shall not only be a board of equalization, but shall also be a board of assessment. Of the members first appointed, one shall hold office for a term of two years and two for a term of four years from the second Monday of February, 1921, and thereafter, each shall hold his office for four years and until his successor is appointed and qualified, and each shall receive an annual salary of \$4,000.00 payable quarterly, out of the state treasury.

(b) The terms of office of the members of the state board of equalization heretofore appointed, shall terminate upon the approval of this Act and the appointment of their successors. The persons to be appointed as members of the state board of equalization under this Act shall be such as are known to possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person appointed as a member of said board shall hold any other office under the laws of this state, nor shall hold any other office under the government of the United States, or any other state. Each member of the board shall devote his entire time to the duties of the office and shall not hold any position of trust or engage in any occupation or business interfering or inconsistent with his duties.

(c) The three persons first to compose said board shall be appointed within ten days after the passage of this Act and before the adjournment of the present legislature. After the appointment of the three members of the said board first to be appointed, except when appointed to fill a vacancy, each member of the board shall be appointed on or before the first Monday in February, during the biennial session of the legislature next preceding the term for which he shall be appointed.

(d) In case of a vacancy, it shall be filled by appointment by the governor, for the unexpired portion of the term in which said vacancy shall occur, subject to confirmation by the senate. If such appointment be made when the legislature is not in regular session, the appointee shall hold office until the first Monday in February, in the next biennial session of the legislature, when if such appointment is not confirmed by the senate, the office shall become vacant and on or before the second Monday in the same month, the governor, by and with the advise and consent of the senate, shall appoint a suitable person to fill such vacancy for the remainder of such term.

(e) Each member of the board, within ten days after notice of his appointment, and before entering upon the discharge of the duties

of his office, shall take, subscribe and file with the secretary of state, the oath of office prescribed by the constitution of this state.

(f) The board after having duly qualified, shall without delay, meet at the capitol, and shall thereupon organize and elect one of their number as chairman. A majority of the board shall constitute a quorum for the transaction of business and the performance of the duties of the board. The board shall be in continuous session and open for the transaction of business every day except Sundays and legal holidays, and the sessions of said board shall stand and be deemed to be adjourned from day to day without formal entry thereof upon its records. The board may hold sessions, or conduct investigations at any place other than the capitol when deemed necessary to facilitate the performance of its duties.

(g) The board shall appoint a secretary, who may or may not be a member of the board, and shall employ such other persons as experts and assistants as may be necessary to perform the duties of the board.

(h) The board shall fix the salary and compensation of every person employed by it, subject to the approval of the state board of examiners. The secretary shall keep full and correct minutes of all hearings, transactions and proceedings of the board and shall perform such other duties as may be required by the board.

(i) The board shall keep its office at the capitol and shall be provided with suitable rooms, necessary office furniture, supplies, stationery, books, periodicals and maps.

Sec. 2. This Act shall take effect upon approval.

Approved March 1, 1921.

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## CHAPTER 137.

House Bill No. 243.

Compiled Laws, 1917, p. 1173; Laws, 1919, p. 335.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### STATE AND SCHOOL TAX LEVY, 1921-22.

An Act to provide revenue for the support of the government of the state, for district school purposes and for high school purposes for the fiscal years 1921 and 1922.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. State tax levy. There is hereby directed to be raised for general state purposes for each of the fiscal years 1921 and 1922, upon

all the taxable property of the state, the sum of \$2,276,188.50; and for the purpose of raising the same there is hereby levied for each of the years 1921 and 1922, an ad valorem tax of 2.4 mills on each dollar of all taxable property in the state, or such portion of said tax as the state board of equalization may find necessary to raise the sum above set forth for each of said years.

Sec. 2. School tax levy. There is hereby directed to be raised for the support of district schools for each of the fiscal years 1921 and 1922, a sum which together with any other state funds available for district school purposes, will equal \$25.00 for each person of school age in the state as shown by the last preceding school census and for the purpose of raising the same there is hereby levied for each of said years an ad valorem tax of 4.5 mills on each dollar of valuation of all taxable property in the state, or such portion of such tax as the state board of equalization and assessment may find necessary to raise the sum above set forth for each of said years.

Sec. 3. High school tax levy. For the purpose of raising funds for the support of high schools for each of the fiscal years 1921 and 1922 an ad valorem tax of two-tenths of one mill on each dollar of valuation of all taxable property in the state is hereby levied for each of the years 1921 and 1922.

Sec. 4. Acts repealed. All Acts and parts of Act in conflict herewith are hereby repealed.

Sec. 5. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 138.

House Bill No. 20.

Compiled Laws, 1917, p. 1174.

(Passed February 11, 1921. Approved February 18, 1921. In effect May 10, 1921.)

### STATE LEVY FOR DISTRICT SCHOOLS.

An Act to amend Section 5998, Compiled Laws of Utah, 1917, relating to the levy of a state tax for district school purposes.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 5998, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:



5998. State levy for district schools. The state board of equalization and assessment is hereby authorized and directed to levy annually a state tax for district school purposes at such rate as will raise an amount, which added to any other state funds available for district school purposes, equals as near as may be \$25.00 for each person of school age in the state as shown by the last preceding school census; and the levy and collections of said tax must be performed in the same manner and at the same time as other state taxes are levied and collected, and shall be apportioned to the several school districts as provided by law.

Sec. 2. This Act shall take effect upon approval.

Approved February 18, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

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## CHAPTER 139.

House Bill No. 111.

Compiled Laws, 1917, p. 1178; Laws, 1919, p. 338.

(Passed March 9, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### SALES FOR DELINQUENT TAXES.

An Act amending Section 6018, Compiled Laws of Utah, 1917, as amended by Chapter 121, Session Laws of Utah, 1919, and Sections 6020 and 6021, Compiled Laws of Utah, 1917, providing for the sales for delinquent taxes, the issuing of certificate of sale, and the form of certificate thereon.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Section 6018, Compiled Laws of Utah, 1917, as amended by Chapter 121, Session Laws of Utah, 1919, and Sections 6020 and 6021, Compiled Laws of Utah, 1917, be, and the same are hereby amended to read as follows:

Sec. 6018. Delinquent real estate for taxes—sales—method—record—penalty—duties of auditor and treasurer. Beginning at noon the 21st day of December of each year, and before the 21st day of January, following, unless the same falls on a Sunday, when it shall be the day following, the county treasurer shall sell to the county all delinquent real estate to pay the taxes, penalty and costs for which such real estate is liable. The treasurer shall make a record of all sales of real property in a book to be kept by him for that purpose, therein describing the several

parcels of real property in the same order as the published list of delinquent sales contained in the list of advertisements on file in his office stating the aggregate amount of taxes due on the property therein enumerated, provided that taxes levied only on a certain kind or class of property for a special purpose shall be separately set out. When all sales have been made, the treasurer shall file the record in his office; provided, that in all counties there shall be adopted a uniform system of tax sale record, which shall be recommended by the state auditor, and that a duplicate of said record of each county shall be furnished by the county treasurer to the state auditor, in loose leaf or bound form, as may be directed by the state auditor, and to which shall be added the subsequent taxes of each succeeding year, together with the redemptions as reported to the state auditor by the treasurer of the various counties, upon blanks to be prescribed by the state auditor. It shall be the duty of the county treasurer to issue a receipt to any person paying taxes on an undivided interest in real estate, showing the interest on which taxes are paid, and in case any portion of the taxes on such real estate remains unpaid, it shall be the duty of the treasurer to sell only such undivided interest in said real estate as belongs to the co-owners who have not paid their portion of the tax.

6020. Certificate of sale—contents. When real estate is sold for taxes, the treasurer shall make out, sign, and deliver to the purchaser of any real estate sold for the payment of taxes, as aforesaid, a certificate of sale, describing the property on which the taxes and costs were paid by the purchaser, as the same was described, in the record of sales; also the description of each tract or lot sold, and stating the aggregate amount of taxes due on said property in one column provided that the taxes levied on a certain kind or class of property for a special purpose shall be separately set out, together with the penalty and costs for which the same was sold, as described in the record of sales, and that payment has been made therefor.

6021. Form of certificate—recording—sale to county—certificate prima facie evidence of regularity. The certificate of sale shall be substantially in the form hereinafter provided, and the same may be recorded in the office of the county recorder without acknowledgment and the county auditor shall credit the treasurer with the tax due thereon.

This certifies that on the.....day of....., 19....., in pursuance of law, I, as treasurer of.....county, Utah, offered for sale subject to redemption as provided by law, the property situated in the county of....., state of Utah, hereinafter described, for the delinquent state, state school, state high school, county, city, city school,.....and district school taxes, for which said property is liable, assessed in the name of.....

as owner for the year....., together with the penalty provided by law and the costs of sale; that a description of the property named is as follows, to-wit:.....  
That the aggregate amount of taxes due the several taxing funds, penalty and the costs for which the same was offered are as follows, to-wit:

State, county, city or town and school district taxes			Penalty	Cost of Sale	Total	
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That pursuant to said offer no person offered to bid and pay the treasurer the amount of the tax and costs required to be paid, as aforesaid; therefore, pursuant to law, said property was sold to .....county, and this certificate issued as evidence thereof.

Dated....., 19.....

.....  
Treasurer of.....county, Utah.

The certificate of sale herein provided for, when signed by the county treasurer and delivered to the purchaser, shall be prima facie evidence of the regularity of all proceedings connected with the assessment notice, equalization, levies, advertisement, and sale of the property therein described, and the burden of showing any irregularity in any of the proceedings, resulting in the sale of property for the non-payment of delinquent taxes, shall be on him who asserts it. While a certificate of sale is held by the county, the treasurer shall not sell the property covered by such certificate for taxes, but the county auditor shall credit the treasurer with the amount of tax due thereon. In any case the party redeeming shall pay all taxes that may be assessed, and interest, penalty, and costs that may accrue upon land subsequent to the sale.

Approved March 17, 1921.



## CHAPTER 140.

House Bill No. 168.

Compiled Laws, 1917, p. 1185.

(Passed March 7, 1921. Approved March 14, 1921. In effect May 10, 1921.)

## SALE OF REAL ESTATE TAKEN FOR TAXES.

An Act to amend Section 6056, Compiled Laws of Utah, 1917, relating to the sale of real estate deeded to the county.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 6056, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

Sec. 6056. Real estate deeded to county to be sold at auction. Whenever a county has received a tax deed for any real estate sold for delinquent taxes, the board of county commissioners shall, during the month of May in each year, after publication once a week for four consecutive weeks preceding the date of sale, in a newspaper having general circulation in the county, or if no paper is published in the county, by posting in five public places in the county, offer for sale at the front door of the county court house, at the time specified in the notice, all such real property not heretofore sold or redeemed; provided, that in cases where the description of such real estate is so defective as to convey no title, such real estate shall not be so offered. The county clerk is authorized to execute deeds therefor in the name of the county and attested by his seal, vesting in the purchaser all of the title of the state, of the county, and of each city, town, school, or other taxing district interested in the real estate so sold. The money arising from such sale must be paid into the county treasury, and the treasurer must settle for the same as in the case of money received for redemption, as provided in the next preceding section. The board of county commissioners may, at any time after the period of redemption has expired and before the sale as herein provided, permit a redemption from any sale where the property has been sold to the county. All property for which there is no purchaser at the sale provided for in this section shall thereafter be disposed of on the day of the first regular meeting of the board of county commissioners in any month, at either public or private sale, as the said board may determine, and the money received therefor shall be apportioned as in the manner of tax sale redemptions.

Approved March 14, 1921.

## CHAPTER 141.

Senate Bill No. 43.

Compiled Laws, 1917, p. 1203.

(Passed March 2, 1921. Approved March 8, 1921. In effect May 10, 1921.)

## VETERINARY MEDICAL EXAMINERS.

An Act amending Sections 6187, 6188, 6189, 6190, 6191, 6194 and 6198, and repealing Sections 6185, 6186, 6192, 6196 and 6197, Compiled Laws of Utah, 1917, relating to veterinary medical examiners.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 6187, 6188, 6189, 6190, 6191, 6194, and 6198, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

6187. Meetings—powers of board—diploma to registrar. The members of said board shall meet at least once a year, and shall hold such additional meetings at such time and place as they may elect, whenever two or more applicants desire to take the examination. At any meeting of the board a majority shall constitute a quorum to transact business. Said board may make by-laws and rules not inconsistent with law necessary to carry out the provisions of this title, and any member thereof shall have power to administer oaths and take testimony concerning all matters within its jurisdiction. Any person desiring to begin the practice of veterinary medicine within the state of Utah shall present to the department of registration his diploma, and if, in the opinion of said member of said board, the diploma is valid he shall issue a permit to practice until the date of the next examination.

6188. Certificate required. It shall be unlawful for any person to practice veterinary medicine, veterinary surgery, or any branch thereof, including veterinary dentistry, in the state of Utah, without previously having obtained a certificate from the department of registration except as hereinafter provided.

6189. Applications to department of registration. Applicants for certificates to practice veterinary medicine, veterinary surgery, or any branch thereof, including veterinary dentistry, in the state of Utah, shall file their applications with the department of registration. All applications shall be in writing.

6190. Registration—examination. All persons who are graduates of veterinary colleges recognized by the department of agriculture, Wash-D. C., and all persons who have practiced veterinary medicine within the state of Utah for a period of five years or more for compensation, prior to the passage of this title shall be entitled to registration. All

applicants for license to practice veterinary medicine, surgery, and dentistry in this state shall be required to pass a satisfactory examination in such subjects and topics, a knowledge of which is commonly and generally required of candidates for degrees in reputable veterinary colleges or universities in the United States. All examinations provided for in this title shall be conducted under rules and regulations prescribed by the department of registration which shall provide for fair and wholly impartial methods of examinations.

6191. Certificate—contents—display—penalty. Every certificate issued by the department of registration to practice veterinary surgery, medicine, or dentistry, as the case may be, shall state the provisions, whether graduate or non-graduate, and shall indicate the section of this title under which it is issued, and such certificate and certificates of renewal required thereof, must be displayed in a conspicuous place in his place of business at all times; provided, that all veterinarians traveling from place to place shall carry said certificate and renewals for inspection in any locality where practicing, and, except when obtained by fraud, shall be conclusive evidence of the right of the holder to practice veterinary medicine, veterinary surgery, or veterinary dentistry in the state of Utah. The failure to display such certificate or the failure of payment of such dues by the end of any fiscal year, January 31, by the holder of a certificate from such board shall render said certificate null and void.

6194. Practicing without certificate unlawful. Any person practicing veterinary medicine, veterinary surgery, or any branch thereof, including veterinary dentistry, in the state of Utah, without having first obtained a certificate and the required renewals as provided by law, shall be deemed guilty of a misdemeanor; provided, nothing in this section shall be construed to prohibit qualified veterinarians residing outside the state of Utah meeting in consultation with and rendering special assistance to qualified veterinarians of this state.

6198. False swearing, perjury. Any person who shall swear falsely in any affidavit or oral testimony made or given by virtue of the provisions of this title or the regulations of said department of registration shall be deemed guilty of perjury.

Sec. 2. Sections repealed. Sections 6185, 6186, 6192, 6196 and 6197, Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 8, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)



## CHAPTER 142.

Senate Bill No. 123.

Compiled Laws, 1917, p. 1216.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### WEIGHTS AND MEASURES.

An Act amending Section 6278, Compiled Laws of Utah, 1917, relating to weights and measures.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 6278, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

6278. State superintendent—expenses. The state commissioner of agriculture shall be ex officio superintendent of weights and measures. There shall be a deputy superintendent of weights and measures and inspectors of weights and measures, the deputy and inspectors to be appointed by the superintendent. The superintendent of weights and measures shall be allowed, for salaries for the deputy superintendent of weights and measures, inspectors of weights and measures, clerical services, traveling and contingent expenses for himself, his deputy, and inspectors, such sums as shall be appropriated by the legislature.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 143.

Senate Bill No. 125.

Compiled Laws, 1917, p. 1266.

(Passed March 10, 1921. Approved March 21, 1921. In effect May 10, 1921.)

### MANNER OF COMMENCING ACTIONS BY PUBLICATION.

An Act amending Sections 6549 and 6550, Compiled Laws of Utah, 1917, relating to the service of summons by publication.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 6549 and 6550, Compiled Laws of Utah, 1917, are hereby amended to read as follows:

6549. Service of summons by publication. When the person to be served with summons resides out of the state, or has departed from the state, or conceals himself to avoid service of the summons, or cannot, after due diligence, be found within the state, or when the

defendant is a foreign corporation having no officer within the state upon whom the summons can be served, the summons may be served by publication thereof five times, once in each week for five successive weeks, in a newspaper most likely to give notice to the defendant so to be served; and when the residence of such defendant is known a copy of the summons and complaint must be forthwith deposited, with postage prepaid, in the post office, directed to such defendant, at his place of residence. Service of the summons as in this section provided shall be deemed to be complete on the thirtieth day after the first publication, and within ten days thereafter proof of such service, by affidavit, shall be filed with the clerk of the court, together with proof, by affidavit, of the jurisdictional fact or facts authorizing such manner of service.

6550. Personal service out of the state. Personal service, out of the state, of a copy of the summons and complaint is equivalent to service by publication. Service of the summons as in this section provided shall be deemed to be complete on the tenth day after such personal service, and within ten days thereafter proof thereof, by affidavit, of the person making such service, shall be filed with the clerk of the court. On the filing of such affidavit the jurisdictional fact or facts authorizing such manner of service shall be presumed.

Sec. 2. Acts repealed. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 21, 1921.

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## CHAPTER 144.

House Bill No. 129.

Compiled Laws, 1917, p. 1503.

(Passed March 9, 1921. Approved March 14, 1921. In effect May 10, 1921.)

### ADMINISTRATION BONDS.

An Act to amend Sections 7617 and 7618, Compiled Laws of Utah, 1917, relating to bonds in probate matters.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. That Sections 7617 and 7618 of the Compiled Laws of Utah, 1917, be and the same are hereby amended to read as follows:

7617. Bond of executor—contents. Every person to whom letters testamentary, of administration or of guardianship are directed to issue

must, before receiving them, execute a bond to the state of Utah, with two or more sufficient sureties if said sureties are persons, or one sufficient surety if said surety is a corporate surety, to be approved by the court or the clerk. In form the bond must be joint and several, and if the sureties are persons the penalty must not be less than twice the value of the personal property, and twice the probable value of the annual rents, profits, and issues of the real property belonging to the estate; if the surety is a corporate surety the penalty must not be less than the value of the personal property plus ten per cent and twice the probable value of the annual rents, profits and issues of the real property belonging to the estate plus ten per cent, which said values must be ascertained by the court, by examining on oath the party applying or any other person. A separate bond shall be required of each executor, administrator or guardian appointed.

7618. **Bond on sale of real estate.** The court may require an additional bond from each executor, administrator or guardian whenever the sale of any real estate belonging to an estate is ordered but no such additional bond must be required when it satisfactorily appears to the court that the penalty of the bond given before receiving letters, or of any bond given in place thereof, in cases where the surety on the bond is a person, is equal to twice the value of the personal property remaining in or that will come into possession of the executor, administrator or guardian including the annual rents, profits, and issues of real estate, and twice the probable amount to be realized on the sale of the real estate ordered to be sold; or in cases where the surety is a corporate surety, is equal to the value of the personal property remaining in or that will come into possession of the executor, administrator or guardian including the annual rents, profits, and issues of real estate plus ten per cent, and the probable amount to be realized on the sale of the real estate ordered to be sold plus ten per cent.

Approved March 14, 1921.



## CHAPTER 145.

Senate Bill No. 12.

Compiled Laws, 1917, p. 1547, 1624-5.

(Passed February, 24, 1921. Approved March 8, 1921. In effect June 7, 1921.)

**CIGARETTES, ETC., FORBIDDEN. TOBACCO SMOKING  
UNLAWFUL, WHERE.**

An Act making it unlawful: to sell cigarettes and cigarette papers; to advertise cigarettes and cigarette papers; to permits minors to smoke in certain places of business; for any person to smoke in certain enclosed public places.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Cigarette and cigarette papers, sale, etc., unlawful—search and seizure. It shall be a misdemeanor for any person, company, or corporation to barter, sell, keep for sale, furnish or give away, any cigarettes or cigarette papers, or any disguise or subterfuge of either of these, or to have any cigarettes or cigarette papers in or about any store or other place for barter, sale or free distribution. If, upon what seems to be reasonable evidence any person, company or corporation is suspected of having in his or its possession any cigarettes or cigarette papers intended to be offered for barter, sale or free distribution; then, upon the sworn complaint of any citizen of the state of Utah, specifying fully as to the alleged facts of the case, any officer authorized to make arrests may, upon the issuance of a search warrant or search warrants in the manner and form prescribed in Chapter 56, Title 120 of the Compiled Laws of Utah, 1917, code of criminal procedure (Secs. 9368-9389), search the premises of such person, company or corporation and may seize any cigarettes or cigarette papers so found. All such cigarettes or cigarette papers seized under the provisions of this Act shall be ordered destroyed by the judge of the court in which final conviction is had. The possession of such cigarette materials shall be considered prima facie evidence of a direct violation of this Act.

Sec. 2. Advertisement, sign, etc., unlawful. It shall be a misdemeanor for any person, company or corporation to write, print, publish or circulate in any newspaper, magazine, periodical or circular written, printed or published within the state of Utah, any advertisement of cigarettes or cigarette papers, or any disguise or subterfuge of either of these. It shall also be unlawful for any person, company or corporation to post, exhibit or publish on any street-sign, placard or billboard; or in or on any package of merchandise, store-window, showcase, or any other place within the state of Utah, any advertisement for cigarettes or cigarette papers, or any disguise or subterfuge of either of these.

Sec. 3. Use of tobacco, etc., by minors unlawful. It shall be a misdemeanor for the proprietor of any place of business to knowingly permit minors under twenty-one years of age to frequent such place of business while in the act of using tobacco in any form. The term "place of business" as here used shall apply to any and all such places as shops, stores, factories, public garages, offices, theatres, recreation and dance halls, pool rooms, cafes, cafeterias, cabarets, restaurants, hotels, lodging houses, street cars, inter-urban and railway passenger coaches and waiting rooms.

Sec. 4. Tobacco smoking forbidden, where. It shall be a misdemeanor for any person to smoke cigars, cigarettes or tobacco in any enclosed public place within the state of Utah, except in extra rooms, compartments or coaches specially provided for smoking purposes. The term "enclosed public place" as here used shall be construed to mean the dining rooms in hotels, restaurants, cafes and cafeterias; theatres, passenger elevators, street cars, inter-urban and railway passenger coaches, motor and other passenger vehicles employed as common carriers, railway station waiting rooms, barber shops; state, county and city buildings.

Sec. 5. "Unconstitutional" reservation. If any section, subsection, clause, phrase or word of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Sec. 6. This Act shall take effect and be in force ninety days from the date of its passage.

Approved March 8, 1921.

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## CHAPTER 146.

House Bill No. 114.

Compiled Laws, 1917, p. 1549.

(Passed March 4, 1921. Approved March 10, 1921. In effect March 10, 1921.)

### FALSE IMPERSONATION.

An Act providing for the punishment of persons falsely personating another.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. False impersonation—penalty. Every person who falsely personates a public officer, civilian or military, or a policeman, or other peace officer of any character whatsoever, or who falsely personates a

private individual having special authority by law to perform an act affecting the rights or interests of another; or who, without authority shall assume any uniform or badge by which such an officer or person is lawfully distinguished; or who, in any such assumed character shall do any act purporting to be official; or any person who shall falsely assume or pretend to be a justice of the peace, sheriff, deputy sheriff, coroner or notary public and shall take upon himself to act as such, is punishable by imprisonment in the county jail not less than sixty days and not to exceed one year, or by fine not less than \$250.00, and not to exceed one thousand dollars, or by both such imprisonment and fine.

Sec. 2. This Act shall take effect upon approval.

Approved March 10, 1921.

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## CHAPTER 147.

House Bill No. 236.

Compiled Laws 1917, p. 1574.

(Passed March 8, 1921. Approved March 14, 1921. In effect March 14, 1921.)

### JURISDICTION OF DISTRICT COURTS IN POLYGAMY, ETC.

An Act to repeal Section 8094, Chapter 24, of the Compiled Laws of Utah, 1917, relating to jurisdiction of district courts.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Exclusive jurisdiction repealed. Section 8094 of the Compiled Laws of Utah, 1917, is hereby repealed.

Sec. 2. This Act shall take effect upon approval.

Approved March 14, 1921.



## CHAPTER 148.

Senate Bill No. 98.

Compiled Laws, 1917, p. 1578.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

ABANDONMENT OR WILFUL NEGLECT OF WIFE OR  
MINOR CHILDREN.

An Act to amend Sections 8112 and 8113, Chapter 27 of the Compiled Laws of Utah, 1917, and repealing Sections 8114 and 8116, relating to abandonment or wilful neglect of wife or minor children.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Sections amended. Sections 8112 and 8113 of the Compiled Laws of Utah, 1917, are amended to read as follows:

Sec. 8112. Desertion of wife or minor children a felony—imprisonment at hard labor—alternative. Any person who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any person who shall, without just excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her minor child or children, under the age of sixteen years, in destitute or necessitous circumstances shall be guilty of a felony; and on the conviction thereof, such person shall be punished by imprisonment in the state prison at hard labor for a period of not to exceed eighteen months; and if any person so convicted, shall be placed at hard work on any state road, or shall work for the state, then the state shall pay into the county treasury for the county in which such person was convicted, for the use and benefit of the wife or minor child or children so neglected, the sum of one dollar per day, said money to be paid every two weeks during the period such person shall be kept at work. Said money shall be paid out of the general fund of the state, not otherwise appropriated; provided, that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore or hereinafter provided, the court in its discretion, having regard to the circumstances and financial ability or earning capacity of the defendant, shall have the power to make an order which shall be subject to change by it from time to time, as circumstances may require, directing the defendant to pay a certain sum weekly, for the space of one year, into the county treasury, to be used for the support of the dependents involved, as hereinafter provided, and to release the defendant from custody on probation for the space of one year upon his entering into a recognizance with or without security in such sum as the court may direct.

The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and any subsequent modifications thereof, then the recognizance shall be void, otherwise in full force and effect. If the court be satisfied by information and due proof under oath that, at any time during the year, the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge or sentence him under the original conviction, or enforce the original sentence, as the case may be. In the case of forfeiture of recognizance and the enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part into the county treasury, to be used for the support of the dependents involved, as hereinafter provided.

Sec. 8113. Proof of marriage or parentage—husband and wife competent witnesses—neglect wilful. No other evidence shall be required to prove the marriage of such husband and wife, or that such person is the legal father or mother of such child or children, than is or shall be required to prove such fact in a civil action. In all prosecutions under Section 8112, any existing provisions of law prohibiting the disclosure of confidential relations between husband and wife shall not apply, and both husband and wife shall be competent witnesses to testify to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child, or children, in destitute or necessitous circumstances, or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter, is *prima facie* evidence that such desertion or neglect is wilful.

Sec. 2. Sections repealed. Sections 8114 and 8116 of the Compiled Laws of Utah, 1917, are hereby repealed.

Sec. 3. This Act shall take effect upon approval.

Approved March 17, 1921.

(Note.—This Act did not receive a vote of two-thirds of all the members elected to the House.)

## CHAPTER 149.

House Bill No. 36.

Compiled Laws, 1917, p. 1588.

(Passed February 2, 1921. Approved February 8, 1921. In effect May 10, 1921.)

### BEFOULING WATERS BY CAMPS AND RESORTS.

An Act regulating industrial camps and pleasure resorts located on or near streams used for water supply, and providing for reports to the state board of health.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Camps and resorts near streams. Hereafter contractors and all other persons or corporations who may establish an industrial camp or camps, for the purpose of construction of any road, railroad or irrigation canal, or other work requiring the maintenance of camps for men engaged in such work, or any other temporary or permanent industrial camp of whatsoever nature, including summer resorts situated on or near any lake, reservoir, or stream used for culinary water supply, shall report to the state board of health concerning the location of such camp or camps, and shall comply with the rules and regulations of the state board of health relating to the maintenance thereof.

Sec. 2. Penalty. Any person, association or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor.

Approved February 8, 1921.

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## CHAPTER 150.

House Bill No. 241.

Compiled Laws, 1917, p. 1625.

(Passed March 9, 1921. Approved March 14, 1921. In effect March 14, 1921.)

### VAGRANCY—PENALTY THEREFOR.

An Act to amend Section 8446, of the Compiled Laws of Utah, 1917, defining vagrants and providing for their punishment.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. That Section 8446 of the Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:



Sec. 8446. **Vagrancy defined—penalty.** 1. Every person (except an Indian) without visible means of support who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or

2. Every healthy beggar who solicits alms as a business; or

3. Every person who roams about from place to place without any lawful business; or

4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either of such offences, and having no visible or lawful means of support, when found loitering around any railroad depot, banking institution, broker's office, place of amusement, auction-room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly; or

5. Every idle, or lewd, or dissolute person, or associate of known thieves; or

6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or

7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or

8. Every person who lives in and about houses of ill-fame; or

9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or

10. Every common prostitute, and every woman who from the doorways on the streets, or any other place, solicits men for immoral purposes; or

11. Every common drunkard; or

12. Every addict of the drug habit,  
—is a vagrant, and is punishable by imprisonment in the county jail not exceeding six months, and may be sentenced to hard labor in the discretion of the court.

Sec. 2. This Act shall take effect upon approval.

Approved March 14, 1921.

## CHAPTER 151.

Senate Bill No. 13.

Compiled Laws, 1917, p. 1633.

(Passed January 26, 1921. Approved February 3, 1921. In effect February 3, 1921.)

## USE OF BADGES AND INSIGNIA.

An Act to amend Section 8506, Compiled Laws of Utah, 1917, relating to the use of badges and insignia of certain veteran and fraternal organizations.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Section amended. Section 8506, Compiled Laws of Utah, 1917, is hereby amended to read as follows:

8506. Unlawful to use or wear certain insignia. It shall be unlawful for any person to wear the badge, insignia, or rosette of the Grand Army of the Republic, or of the military order of the Loyal Legion of the United States, or of the Spanish War Veterans, or of the Society of Cincinnati, or of the Sons of Veterans, or of the Woman's Relief Corps, or of the Union Veteran's Legion, or of the Service Star Legion, or of the Military and Naval Order of the Spanish-American War, or of the Military Order of Foreign Wars of the U. S., or of the Military Order of the World War, or of the Veterans of Foreign Wars, or of the American Legion, or of the Women's Auxiliary of the American Legion, or the medals presented by the state of Utah to the Utah Volunteers and Indian War Veterans, or the charm, badge, button, or emblem of the Benevolent and Protective Order of Elks of the United States of America, or of the order of the Knights of Pythias, Independent Order of Odd Fellows, or of any society, order or organization of ten years standing in the state of Utah, or to use the same to obtain aid or assistance within this state, or wilfully to use the name of such society, order or organization, the title of its officers or its insignia, ritual, or ceremonies, unless entitled to use or wear the same. Any person convicted of a violation of this section shall be deemed guilty of a misdemeanor.

Sec. 2. This Act shall take effect upon approval.

Approved February 3, 1921.

## CHAPTER 152.

Senate Bill No. 17.

Compiled Laws, 1917, p. 1748; Laws, 1919, p. 355.

(Passed March 9, 1921. Approved March 10, 1921. In effect March 10, 1921.)

## STATE MEMORIAL TO UTAH SOLDIERS.

An Act providing for the appointment of a commission consisting of the state board of examiners and five resident citizens of the state of Utah to investigate and report upon and secure by option, donation or otherwise a suitable place for a memorial to Utah soldiers, sailors and marines in the World War, Indian War, Civil War, Spanish American War, and others who have borne arms in defense of the common welfare of the nation, and repealing Chapter 133, Laws of Utah, 1919.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Soldiers' memorial commission. The governor is hereby authorized and directed to appoint a commission consisting of the state board of examiners and five resident citizens of the state of Utah, who will serve without pay, and whose duties shall be to consider and recommend the form or design for a suitable memorial to commemorate Utah soldiers, sailors and marines in the World war, Indian war, Civil war, Spanish-American war and all others who have borne arms in defense of the common welfare of our nation and state; and to consider, negotiate for and recommend a suitable site for the location of such memorial.

Sec. 2. Expense of memorial—location—site—report. Said commission is authorized to consult and advise with the representatives of Salt Lake City and Salt Lake county, or other cities or counties of the state, concerning the said Salt Lake City and Salt Lake county or other cities and counties of the state sharing a proportion of the expense of such memorial; and also consult with the representatives of such cities and counties or such other persons, firms, associations or corporations concerning the location of such memorial; and to negotiate for and secure by option, donation, deed, or otherwise, a suitable site for said memorial and report to the fifteenth session of the legislature of the state of Utah.

Sec. 3. Appropriation. There is hereby appropriated the unexpended fund now in the hands of the state of Utah memorial committee amounting to the sum of \$1,980.35, to be used and expended, or as much thereof as may be necessary, under the direction of the said commission for the purposes of carrying out the provisions of this Act.

Sec. 4. May make loan. The commission is further authorized, if necessary, to negotiate for a loan not to exceed the sum of \$10,000 to carry out the provisions of this Act.



Sec. 5. Chapter repealed. Chapter 133, Laws of Utah, 1919, is hereby repealed.

Sec. 6. This Act shall take effect upon approval.

Approved March 10, 1921.

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## CHAPTER 153.

House Bill No. 183.

Compiled Laws, 1917, p. 1748; Laws, 1919, p. 355.

(Passed March 10, 1921. Approved March 17, 1921. In effect May 10, 1921.)

### MEMORIAL TO WHITE PEOPLE KILLED IN INDIAN WARS.

An Act providing for erection of monuments in memory of white people killed in battles, that were fought with the Indians of this state.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Memorial to those killed in Indian wars. The governor is hereby authorized and directed to appoint a committee of three resident citizens of the state from among Indian War Veterans, who shall serve without pay, and whose duty it shall be to consider and recommend the form or design and the particular location thereof for suitable monuments, in memory of white people killed in battles that were fought with Indians of this state, said designs to be subject only to the approval of the governor.

Sec. 2. Appropriation. The sum of five hundred dollars (\$500.00) or so much thereof as may be necessary, is hereby appropriated, out of the funds of the state treasury, not otherwise appropriated, for the purpose of defraying expenses of said committee.

Sec. 3. Report. The said committee shall report and make recommendation to the next legislature.

Approved March 17, 1921.



## APPROPRIATIONS





## APPROPRIATIONS

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### CHAPTER 154.

(Senate Bill No. 1.)

(Passed January 11, 1921. Approved January 14, 1921. In effect January 14, 1921.)

#### CONTINGENT EXPENSES OF THE LEGISLATURE.

An Act appropriating \$35,000.00, or so much thereof as may be necessary, to defray the regular and contingent expenses of the fourteenth session of the legislature of the state of Utah.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Amount—purpose—payment. The sum of \$35,000.00, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to defray the regular and contingent expenses of the fourteenth session of the legislature of the state of Utah; and that the state auditor shall draw his warrants on the state treasury for the various items of expense, as the same shall become due, upon the written order or certification of the president and secretary of the senate, or the speaker and chief clerk of the house of representatives.

Sec. 2. This Act shall take effect upon approval.

Approved January 14, 1921.

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### CHAPTER 155.

(House Bill No. 157.)

(Passed February 19, 1921. Approved March 1, 1921. In effect March 1, 1921.)

#### ERADICATION OF SHEEP SCABIES.

An Act setting apart \$2,500.00, out of the appropriation heretofore made for the state bounty fund and now unexpended to be used for the purpose of the eradication of sheep scabies.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That there is hereby set aside out of the appropriation heretofore made to the state bounty fund and now unexpended the sum

of \$2,500.00 for the purpose of the eradication of sheep scabies, and the state live stock commission is hereby authorized and directed to use such moneys for such purpose.

Sec. 2. Upon a requisition by the state live stock commission the state auditor is hereby authorized to issue his warrant up to such amount for such purpose.

Sec. 3. This Act shall take effect upon approval.

Approved March 1, 1921.

CHAPTER 156.

(House Bill No. 85.)

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

SUPPORT OF STATE GOVERNMENT.

An Act making appropriations for the support of the state government for the period beginning April 1, 1921, and ending March 31, 1923.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. General appropriations. That the following sums of money, or so much thereof as may be necessary, be and the same hereby are appropriated out of any money in the state treasury, not otherwise appropriated, for the support of the government of the state of Utah, as hereinafter expressed, from April 1, 1921, to March 31, 1923, as provided by Section 5691, Compiled Laws of Utah, 1917.

STATE OFFICES.

To the governor:

For salary of the governor.....	\$12,000.00
For salary of secretary to governor.....	6,000.00
For salaries of stenographers and clerical help.....	3,600.00
For contingent and other expenses.....	12,000.00
For extradition of fugitives from justice.....	5,000.00
For expenses in connection with governors' conferences..	2,500.00

To the secretary of state:

For salary of secretary of state.....	\$ 9,000.00
For salary deputy secretary of state.....	6,000.00
For clerical assistance .....	15,000.00
For contingent expenses .....	6,000.00
For publication of delinquent corporation tax list.....	4,000.00



## To the state auditor:

For salary of state auditor.....	\$ 7,000.00
For salary of chief deputy state auditor.....	5,000.00
For salaries of traveling auditors, deputy examiners of public accounts and clerical assistance.....	20,000.00
For contingent expenses .....	5,000.00
For contingent and traveling expenses of deputy state auditor .....	3,000.00

## To the state treasurer:

For salary of state treasurer.....	\$ 6,000.00
For salary of chief deputy, second deputy and bookkeeper.	8,400.00
For stenographer's salary and other clerical and contingent expenses .....	4,000.00

## To the attorney general:

For salary of attorney general.....	\$ 9,000.00
For salaries of deputies.....	24,000.00
For salaries of clerks.....	6,000.00
For contingent expenses .....	2,500.00
For law books .....	500.00
For disbarment proceedings and investigation of bar appli- cations .....	1,000.00

## To the state industrial commission:

For general office expense.....	\$13,500.00
For statistical department .....	8,500.00
For printing, stationery and equipment.....	10,000.00
For hearings . .....	4,200.00
For inspection department .....	27,400.00
For salaries of commissioners.....	24,000.00
For commissioners' traveling expenses.....	2,000.00
For medical advisers .....	1,000.00
For contingent expenses .....	5,000.00

## To the public utilities commission:

For salaries of commissioners.....	\$24,000.00
For salary of secretary.....	4,800.00
For salaries of office employees.....	17,700.00
For traveling expenses .....	3,500.00

## To the state dairy and food commissioner:

For salary of commissioner.....	\$ 4,800.00
For salaries of inspectors.....	10,500.00
For clerical assistance .....	2,280.00
For traveling and contingent expenses of commissioner and deputies . .....	8,750.00

For office supplies, stationery, stamps, printing and samples . . . . .	1,500.00
For salaries and expenses of special canning factory inspectors . . . . .	2,000.00
To the state chemist:	
For salary of state chemist . . . . .	\$ 4,000.00
For salary of stenographer and contingent expenses . . . . .	2,800.00
To the state insurance commissioner:	
For salary of commissioner . . . . .	\$ 5,000.00
For clerical assistance . . . . .	5,400.00
For contingent expenses . . . . .	3,500.00
To the state bank commissioner:	
For salary of commissioner . . . . .	\$ 8,000.00
For salaries of bank examiners . . . . .	12,000.00
For salary of deputy examiner . . . . .	4,800.00
For salary of stenographers . . . . .	4,800.00
For contingent and traveling expenses . . . . .	7,200.00
To the state engineer:	
For salary of state engineer . . . . .	\$ 8,000.00
For contingent expenses . . . . .	1,500.00
For irrigation contingent—salaries of employees, including stenographers, engineers, recorders, calculators and draftsmen; for preparing maps and records and tabulating water claims and hydrographic surveys . . . . .	30,300.00
For co-operation with U. S. geological survey, pursuant to Chapter 56, Laws of Utah, 1913 . . . . .	10,000.00
For state institution surveys . . . . .	500.00
For revolving fund to carry out provisions of Chapter 67, Session Laws of Utah, 1919 . . . . .	10,000.00
To the crop pests commission:	
For contingent expenses . . . . .	\$ 3,600.00
For maintenance of specimens on hand . . . . .	750.00
For salary of inspector . . . . .	5,000.00
For salary of clerk . . . . .	1,600.00
For traveling expenses of inspector . . . . .	2,000.00
To the state board of examiners:	
For contingent expenses . . . . .	\$ 600.00
For clerical assistance . . . . .	1,200.00
For capitol maintenance . . . . .	80,000.00
For printing and binding 1921 session laws, house and senate minutes, governor's message and permanent journals . . . . .	12,000.00

For printing departmental reports and legislative bills . . .	30,000.00
For printing assessment rolls . . . . .	3,000.00
For printing taxpayers' statements . . . . .	1,000.00
For binding public documents . . . . .	500.00
For purchase of Utah reports . . . . .	750.00

To the state land commissioner:

For salary of state land commissioner . . . . .	\$ 8,000.00
For salaries of employees . . . . .	40,000.00
For traveling and contingent expenses . . . . .	10,000.00
For supplies and miscellaneous expenses . . . . .	10,000.00
For expenses in connection with reclamation projects (to be paid from reclamation trust fund) . . . . .	5,000.00

To the state board of equalization:

For salaries of members of board . . . . .	\$24,000.00
For salary chief clerk, stenographers and clerical assist- ance . . . . .	10,000.00
For contingent and traveling expenses . . . . .	8,000.00
For contingent special investigation and salaries . . . . .	23,000.00

To the state live stock board:

For marks and brands . . . . .	\$ 4,050.00
For sheep inspection-dipping . . . . .	12,000.00
For tuberculosis eradication . . . . .	7,750.00
For hog cholera control . . . . .	600.00
For brand inspection . . . . .	5,000.00
For contingent and traveling expenses . . . . .	9,200.00

To the board of pardons:

For contingent expenses . . . . .	\$ 800.00
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To the state board of education:

For Americanization education . . . . .	\$ 1,000.00
For contingent expenses of state board . . . . .	1,000.00
For state library work . . . . .	1,500.00
For half salary agricultural supervisor . . . . .	2,750.00
For expenses of agricultural supervisor . . . . .	1,350.00
For half salary home economics supervisor . . . . .	2,750.00
For expenses of home economics supervisor . . . . .	1,350.00
For half salary trade and industrial education supervisor .	2,750.00
For expenses of trade and industrial education supervisor .	1,000.00
For salary of stenographer . . . . .	2,400.00
For office expenses vocational division . . . . .	4,000.00
For matching federal funds for teacher training . . . . .	11,000.00
For matching federal funds for rehabilitation . . . . .	14,000.00



To the state board of health:

For salary of secretary.....	\$ 8,000.00
For salaries of clerks and stenographers.....	7,000.00
For contingent expenses .....	10,500.00
For securing vital statistics.....	3,000.00

To the state board of loan commissioners:

For interest on 1911 state of Utah road bonds, \$260,000.00 at 4% .....	\$20,800.00
For interest on 1911 university bonds, \$300,000.00 at 4%..	24,000.00
For interest on 1914 capitol bonds, \$1,000,000.00 at 4%...	80,000.00
For interest on 1914 capitol bonds, \$200,000.00 at 5%....	20,000.00
For interest on 1915 capitol bonds, \$650,000.00 at 4%....	58,500.00
For redemption of 1914 capitol bonds, \$250,000.00.....	50,000.00
For redemption of university of Utah bonds,\$300,000.00..	30,000.00
For redemption of state of Utah road bonds,\$260,000.00..	20,000.00
For interest on temporary loans.....	60,000.00

To the supreme court:

For salaries of five justices.....	\$50,000.00
For contingent and clerical expenses.....	6,000.00
For salary of clerk.....	5,400.00
For salary of stenographer.....	4,800.00
For salary of janitor . .....	1,500.00
For furnishing decisions pursuant to Section 1655, Com- piled Laws of Utah, 1917.....	2,000.00
For state library .....	4,500.00
For salary of reporter of decisions.....	2,400.00
For contingent expenses reporter of decisions.....	500.00

To the district courts:

For salaries of district judges.....	\$104,000.00
For expenses of district judges.....	7,000.00
For salaries of district attorneys.....	25,000.00
For district attorney's mileage.....	4,000.00
For salaries of district court reporters.....	62,400.00
For expenses of district court reporters.....	12,000.00
For salary of assistant district attorney, third judicial district . .....	3,600.00
For salary of clerk of district attorney, third judicial district . .....	1,800.00

To the juvenile court commission:

For salaries of judges, probation officers, clerical help, traveling and contingent expenses.....	\$50,000.00
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## To the national guard:

For salary of adjutant general.....	\$ 4,000.00
For salary detailed officer, adjutant general's office.....	3,000.00
For salary stenographer, adjutant general's office.....	2,400.00
For clerical help, United States property and disbursing officer .....	1,000.00
For salaries first sergeants of organizations.....	10,000.00
For salaries supply sergeants of organizations.....	10,000.00
For custodians and janitors of armories.....	10,000.00
For maintenance armories and camp grounds.....	14,000.00
For encampment expenses .....	10,000.00
For administrative expenses and inspections.....	8,000.00
For contingent expenses, quartermaster's department.....	3,000.00
For celebrations, funerals, etc.....	2,000.00
For rifle practice and target ranges.....	3,000.00
For maintenance of organizations.....	20,000.00
For rental of armories.....	25,000.00

## To the state fair association:

For general maintenance .....	\$25,000.00
For electrical equipment .....	1,000.00
For painting . .....	2,000.00
For improvement building and grounds.....	5,000.00
For new comfort station.....	5,000.00
For insurance . .....	2,500.00

## To the state mental hospital:

For general maintenance .....	\$347,920.00
For repairs and renewals.....	15,000.00
For furniture and furnishings.....	5,000.00
For insurance . .....	3,000.00
For farm machinery .....	1,000.00
For library and amusements.....	1,000.00

## To the state board of corrections:

For general maintenance Utah state prison.....	\$150,000.00
For gratuities to discharged prisoners.....	6,500.00
For convict road camps .....	25,000.00
For fire insurance .....	500.00

## To the state school for the deaf and blind:

For general maintenance .....	\$120,000.00
For renewals and improvements.....	10,000.00

For library for deaf.....	500.00
For library for blind.....	500.00
For insurance . . . . .	600.00
For traveling teacher for adult blind.....	800.00
For linotype machine . . . . .	4,500.00
For irrigation system . . . . .	2,000.00

To the state industrial school:

For general maintenance . . . . .	\$100,000.00
For instruction . . . . .	25,750.00
For equipment, improvements and repairs.....	24,000.00
For library and school supplies.....	1,000.00
For parole department.....	6,000.00
For shop construction and equipment.....	2,500.00
For hospital . . . . .	2,000.00
For heating plant . . . . .	2,500.00
For kitchen and dining room equipment.....	500.00
For laundry . . . . .	500.00
For plumbing department . . . . .	500.00
For furnishing new buildings.....	1,000.00

To the university of Utah:

For instruction and maintenance.....	\$126,000.00
Department archeology . . . . .	4,000.00
For extension work . . . . .	10,000.00
For mining and metallurgical research.....	25,000.00
For state health laboratory.....	5,000.00

To the Utah agricultural college:

For special maintenance . . . . .	\$145,334.00
For grading, water connections, sidewalks and fences....	3,200.00
For pure bred livestock.....	9,000.00
For experiment station general maintenance.....	115,000.00
For extension division general maintenance.....	128,000.00

To the branch agricultural college:

For maintenance, supplies and equipment.....	\$ 26,025.00
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To the state power plant:

For salaries of employees, maintenance, supplies, repairs and renewals, transmission charges and contingent expenses . . . . .	\$ 35,700.00
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To the commission for the adult blind:

For salaries, supplies, equipment and contingent expenses..	\$ 4,000.00
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## To the state inspector of apiaries:

For salaries of inspector, clerical help and contingent expenses . . . . .	\$ 6,000.00
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## To the prohibition bureau:

For salary of clerk and contingent expenses . . . . .	\$ 250.00
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To the Utah humane society . . . . .	\$ 1,000.00
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## MISCELLANEOUS APPROPRIATIONS PROVIDED BY LAW.

For state's portion of salaries of county officials . . . . .	\$120,000.00
For payment of jurors and witnesses serving in criminal cases . . . . .	60,000.00
For one-half cost of maps and plats . . . . .	10,000.00
For taxes erroneously collected . . . . .	5,000.00
For sheriffs' expenses delivering prisoners to state prison . . . . .	1,500.00
For per diem and expenses inheritance tax appraisers . . . . .	10,000.00
For insurance premiums for state employees . . . . .	3,000.00
For premiums on bonds of state officers . . . . .	3,000.00

## DEFICITS.

For the following deficits as authorized and allowed by the state board of examiners for the years 1919 and 1920:

## To the state school for the deaf and blind:

For general maintenance school year 1917-1918 . . . . .	\$ 15,022.83
For general maintenance 1919-1920 . . . . .	18,000.00

## To the university of Utah:

For completion training school building . . . . .	34,171.00
For repayment of war loan . . . . .	100,000.00
For metallurgical research . . . . .	3,000.00
For extension work . . . . .	2,500.00
For completion new buildings 1917-1918 . . . . .	130,000.00
For state health laboratory . . . . .	5,000.00

## To the Utah agricultural college:

For completion barracks building . . . . .	46,420.25
For general maintenance . . . . .	71,683.89
For extension work . . . . .	28,000.00
For experiment stations . . . . .	15,000.00

To the state power plant . . . . .	6,000.00
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To the branch agricultural college maintenance . . . . .	13,047.61
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## To the state mental hospital:

For new buildings . . . . .	55,000.00
For general maintenance . . . . .	20,000.00

To the state board of corrections:	
For maintenance of state prison.....	35,000.00
To the state industrial school:	
For equipment, improvements and repairs.....	4,750.00
For superintendent's cottage .....	3,500.00
For general maintenance .....	37,500.00
For new building .....	6,600.00
To the state bank commissioner:	
For contingent and clerical.....	8,000.00
To the state board of land commissioners:	
For salaries of clerical help.....	36,500.00
For office expenses .....	5,000.00
For traveling and contingent expenses.....	10,000.00
To Utah state fair association:	
For general maintenance 1917-1918.....	18,000.00
To the state board of examiners:	
For printing assessment rolls.....	1,006.30
For maintenance of state capitol.....	10,000.00
For printing taxpayers' statements.....	52.50
To the secretary of state:	
For publishing delinquent corporation tax list.....	1,345.00
To the state crop pests commission:	
For contingent expenses .....	4,000.00
For district attorneys' expenses.....	1,500.00
To the governor:	
For extradition of fugitives from justice.....	3,000.00
To the supreme court:	
For expenses of reporter of decisions.....	217.00
To the state board of equalization:	
For clerical assistance.....	1,300.00
For special investigation .....	6,600.00
To the state insurance commissioner:	
For traveling and contingent expenses.....	2,000.00
To the state live stock board:	
For contingent expenses.....	5,000.00
To the state engineer:	
For irrigation contingent.....	10,000.00
To the attorney general:	
For salaries of deputies.....	4,675.00

To the national guard:	
For general maintenance.....	7,500.00
To the state industrial commission:	
For contingent expenses.....	3,000.00
To the state board of health:	
For obtaining vital statistics.....	800.00
To the public utilities commission:	
For contingent expenses .....	2,299.58
To the state board of loan commissioners:	
For interest on temporary loans.....	15,000.00

MISCELLANEOUS APPROPRIATIONS APPROVED BY THE  
STATE BOARD OF EXAMINERS.

For publishing constitutional amendments:

	Claim No.	Amount
Western Newspaper Union.....	23,862	\$ 41.25
Vernal Express Publishing Company.....	23,866	288.00
The Ogden Standard .....	25,467	1,680.00
Salt Lake Tribune Publishing Company.....	25,468	1,710.00
The Provo Herald .....	25,469	544.00
The Journal, Logan .....	25,470	1,664.00
The Box Elder News.....	25,471	576.00
The Deseret News .....	25,472	1,100.00
The Piute News .....	25,473	288.00
Western Newspaper Union .....	25,474	288.00
The Rich County News.....	25,475	288.00
The Sun, Price .....	25,476	288.00
Beaver County News .....	25,477	288.00
Western Newspaper Union.....	25,478	288.00
The Grantsville News.....	25,479	288.00
Washington County News.....	25,480	288.00
Emery County Progress.....	25,481	288.00
Parowan Times .....	25,482	288.00
The Ephraim Enterprise .....	25,483	288.00
Progress Printing Company.....	25,484	288.00
The Wave Publishing Company.....	25,485	288.00
San Juan Record.....	25,486	288.00
The Times-Independent . .....	25,487	288.00
The Eureka Reporter .....	25,488	288.00
Coalville Times .....	25,489	288.00
The Myton Free Press.....	25,490	288.00
The Richfield Reaper .....	25,491	288.00
Clipper Publishing Company.....	25,492	288.00



To the state board of land commissioners:

For funds advanced in payment of departmental deficits..\$1,836.02

To Mountain States Supply Company for supplies furnished State Fair Association in 1916—Claim No. 20,015.....	24.70
To Salt Lake, Garfield & Western Railway Company for switch- ing and demurrage charges against State Fair Association in 1916—Claim No. 24,832.....	89.00
To the F. W. Gardiner Company, for printing account 1919 legis- lature—Claim No. 23,860.....	258.00
To Callahan Book and Stationery Company, account supplies furnished, 1919, legislature—Claim No. 23,861.....	18.00
To the Bank of Vernal, for funds advanced in payment of depart- mental deficits during 1916 and 1917—Claim No. 24833...	370.06
To W. Arthur for witness fees unpaid because warrant not called for before expiration of 1917-1918 appropriations—Claim No. 24,130 .....	6.20
To Utah Lumber Company, for lumber furnished State Fair Association in 1916—Claim No. 14,753½.....	105.42
To Hemenway & Moser Company, for supplies furnished State Fair Association in 1916—Claim No. 14,752½.....	14.55
To Thomas S. Johnson as reimbursement for hay eaten by elk— Claim No. 18,158 (to be paid from fish and game fund)...	105.00
To the following persons for damages suffered on account of the Hatchtown flood, provided that the claimants each sign an agreement that the amount received shall be in full liquida- tion of all claims for damages growing out of the breaking of the Hatchtown dam and relieving the state from further liability; (to be paid from the reservoir fund principal):	
Ernest L. Hancock .....	600.00
Henry Excell .....	600.00
Myron Proctor .....	150.00
Joseph S. Clark.....	75.00
Ira C. Schow .....	150.00
George Proctor .....	150.00
George Alexander .....	450.00
Ira C. Schow .....	150.00

Sec. 2. **Unexpended balances.** The state auditor shall, on or before June 30, 1921, cover into the state treasury all unexpended balances of appropriations made by the thirteenth legislature for the years 1919 and 1920. The state auditor is hereby authorized and directed to cover into the state treasury, on or before June 30, 1921, all unexpended balances in appropriations made by all previous legislatures, pursuant to statutory requirement; provided, however, that maintenance and instruction appropriations made to educational institutions for academic years, balances in appropriations made to the state road commission and balances on hand in the state bounty fund under the provisions of law, and balance in appropriations made to the military fund, pursuant to the provisions of Section 3862, Compiled Laws of Utah, 1917, shall not be covered into the treasury.

Sec. 3. **State officers to report—examiners prohibited, until.** All state officers (except the governor), state boards and commissions, and the officers of all state institutions, to whom and for which appropriations other than salaries are made, under the provisions of this Act, shall, with their biennial reports, submit a detailed statement under oath, of the manner in which all appropriations for their respective departments and institutions have been expended.

The state board of examiners is hereby expressly prohibited from allowing any demand, payable out of any appropriations made herein to any state institution until the same is presented to the board of trustees, or board of control of any such institution, in itemized form, stating specifically the service rendered, by whom performed, time employed, and if for articles purchased, the date of purchase and the name of each article, and the price paid for same, and until such claim or demand is allowed or approved by the board of trustees or board of control of said institution. Copies of such bills, in itemized form, shall be transmitted monthly, together with a statement thereof, approved and verified by the proper officer or officers of such institution, to the board of examiners for its approval or disapproval. And the board of examiners is hereby prohibited from allowing any claim payable out of appropriations made herein to state officers, boards and commissions, until the original claims and vouchers, properly itemized and sworn to by the claimants and approved by the state officer or the proper officer of the state board or state commission shall be presented to the said board of examiners for its approval or disapproval.

Sec. 4. **Deficits forbidden—exception.** The officers of the various state departments, boards, commissions and institutions for which appropriations are made in this Act are expressly forbidden to make any expenditure in excess of the amounts appropriated for such department, board, commission or institution, for the fiscal years

beginning April 1, 1921, and ending March 31, 1923, and the academic years 1921-1922 and 1922-23, except upon the unanimous consent of the state board of examiners and a certificate in writing, duly signed by each member of any board, commission, or board of control of any institution, duly setting forth the necessity of making any expenditure in excess of the appropriations made herein, must be first presented and filed with the state board of examiners, setting forth the unavoidable necessity for such expenditure. No expenditure in excess of the appropriations herein made to any state department shall be made except upon the unanimous consent of the state board of examiners and the filing of certificate in writing with said board, as provided herein. Any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and any member of any state department, board, commission or institution who shall vote for any expenditure, or create any indebtedness against the state in excess of the appropriations made in this Act for the periods ending respectively March 31, 1923, and June 30, 1923, except as provided in this section, shall be guilty of a misdemeanor, and shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

**Sec. 5. May withhold appropriations.** All appropriations made subject to the provisions of this section may be temporarily withheld by the governor, if, in his opinion, the condition of the treasury will not warrant the expenditure of any such sum or sums, and such sum or sums shall not become available until such time as the governor shall notify the state auditor in writing.

**Sec. 6. "Maintenance" defined.** By the use of the word maintenance in any portion or section of this Act, it is intended to mean and shall mean, and be construed for the support of the several institutions named, and not the construction nor the repair of any building or other improvement for, or of, said institutions, and no warrant shall be drawn or paid from said maintenance fund except for the purposes herein stated. No voucher or claim for maintenance shall be payable to any institution or department in advance.

**Sec. 7. Payment of salaries.** All salaries of state officers and members of state boards shall be paid quarterly; salaries of all deputy state officers, clerks, stenographers and employees of state offices and state institutions or boards shall be paid monthly for the preceding month.

**Sec. 8. Salaries in excess of appropriation.** Whenever it is provided by statute that the salary of any clerk or employee of any state department, or the salary of any state officer for which an appropriation is



herein made shall be in excess of the amount herein appropriated, such officer, clerk or employee shall receive such salary as is provided by statute, and such amount as is necessary to pay such excess over and above the amount herein provided for is hereby appropriated, and whenever in this Act an amount for any salary of any officer, clerk or other employee of the state is appropriated, and the same is in excess of such salary as fixed by statute, the amount herein appropriated shall be in lieu of such salary to the amount of but not in excess of such salary as fixed by statute; and should there be any officer whose salary is fixed by statute and no appropriation is herein specifically made for the same, the amount so fixed by statute is hereby appropriated to pay such salary.

Sec. 9. No duplications. No claim against the state, the payment of which is provided for in this Act, shall be duplicated, and the amount herein appropriated for the payment of any such claim shall be withheld if it shall appear that it is covered by an appropriation heretofore made, or by special law.

Sec. 10. This Act shall take effect upon approval.

State of Utah, Executive Office, Salt Lake City, February 4, 1921.

To the legislature: In accordance with the provisions of Section 5691, Compiled Laws of Utah, 1917, I have the honor to submit for your consideration supplement No. 1 to the executive budget:

To the Martha society .....	\$ 4,000.00
To the state historical society.....	1,000.00
To the children's aid .....	3,000.00
To the Crittenden home .....	3,000.00
To the orphans home and day nursery.....	15,000.00
To the kindergarten and neighborhood house.....	6,000.00

Very respectfully,  
(Signed) CHAS. R. MABEY, Governor.

State of Utah, Executive Office, Salt Lake City, Utah, March 3, 1921.

To the legislature: In accordance with the provisions of Section 5691, Compiled Laws of Utah, 1917, I have the honor to submit for your consideration supplement Number 2 to the executive budget.

## To the fish and game commissioner:

(To be paid from the fish and game fund.)

For salary of commissioner .....	\$ 4,800.00
For traveling expenses of commissioner, office supplies and clerical assistance .....	8,000.00
For salary of chief deputy .....	3,000.00
For traveling expenses of chief deputy.....	1,800.00
For salaries of deputy wardens, hatchery superintendents, assistant hatchery superintendents, traveling and con- tingent expenses of deputy wardens, hatchery and assistant hatchery superintendents, for construction, maintenance, repairs and improvements of hatcheries	75,000.00
To university of Utah:	
For extension division .....	4,000.00
To the state board of health:	
For venereal clinic .....	3,600.00
To Mormon battalion commission:	
For contingent expenses .....	2,000.00
To department of registration and statistics:	
For salary of director .....	6,000.00
For contingent expenses .....	3,000.00
For clerical assistance .....	2,500.00
To department of finance and purchase:	
For salary of commissioner .....	10,000.00
For salaries of assistants and clerical expenses.....	25,000.00
For contingent expenses .....	10,000.00
To state mental hospital:	
For completion of new building.....	57,399.00
To state board of examiners:	
For repair and maintenance of former state capitol at Fillmore .....	800.00

MISCELLANEOUS APPROPRIATIONS APPROVED BY THE  
STATE BOARD OF EXAMINERS.

## Claim No. 25430—To Utah state prison:

For refund to prisoners' cash for payment made from this fund to W. W. McIntosh for salary as clerk of state board of pardons for November and December, 1918, and January, February and March, 1919.....	\$ 89.38
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## Claim No. 25431—To Utah state prison:

For refund to prisoners' cash for reward paid out of this fund to Arthur Smith, deputy sheriff, McAlister, Oklahoma, January 28, 1918 ..... 50.00

## Claim No. 26119—To J. W. Brawley, W. B. Council and E. E. Levell:

For refund of principal and interest paid upon land, title to which was held by the United States and not by the state of Utah ..... 123.94

## Claim No. 26120—To Anthos Pehrson:

For damages to farm through landslide caused by irrigation upon property of the Utah agricultural college... 682.00

## Claim No. 26121—To James Anderson:

For damages to farm through landslide caused by irrigation upon property of the Utah agricultural college... 600.00

## Claim No. 26122—To Dickson, Ellis, Ellis and Schulder:

For balance due for legal services and expenses in the case of the United States vs. Sweet..... 1,021.88

## Claim No. 26123—To John S. Flowers:

For keys and repairs to locks..... 4.25

## Claim No. 26124—To United States Fuel Company:

For over-payment on certificate of sale No. 8335..... 1,800.00

## Claim No. 26125—To C. F. Dorsey:

To correct error in the classification under the Hatchtown project appropriation of 1919..... 3,552.00

## Claim No. 26444—To Herbert E. Smyth:

For balance due for legal services in the district court of Carbon county as attorney for the state in the case of Van Wagoner vs. Whitmore et al..... 250.00

## To Ogden Rotary club:

For reimbursement of moneys advanced to persons sustaining personal injuries in the collapse of a grandstand at the Utah state fair grounds in Salt Lake City, Utah, on June 20, 1919..... 5,264.50

## DEFICIT APPROVED BY THE STATE BOARD OF EXAMINERS.

## To department of banking:

For contingent expenses .....\$ 2,500.00

## To supreme court:

For contingent and clerical expenses..... 500.00  
(Signed) CHAS. R. MABEY.

Approved March 17, 1921.



## CHAPTER 157.

(House Bill No. 93.)

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## MEDALS FOR INDIAN WAR VETERANS.

An Act appropriating \$200.00 to furnish Indian war medals.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Indian war medals. That \$200.00 be appropriated to furnish Indian war medals for veterans who have been unable to secure them under former appropriations, said amount to be placed to the credit of the Indian war veteran fund.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.

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CHAPTER 158.

(House Bill No. 96.)

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## REFUND OF FINES DUE SALT LAKE CITY.

An Act appropriating to Salt Lake City, a municipal corporation, \$543.75 for refund of fines collected and improperly paid to the state of Utah, under Section 4431, Compiled Laws of Utah, 1917.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Refund of fines improperly paid. The sum of \$543.75 is hereby appropriated out of the funds in the state treasury not otherwise set apart for the payment to Salt Lake City, a municipal corporation of its proportion of fines collected under the operation of Section 4431, Compiled Laws of Utah, 1917, and paid to the state of Utah in full without deducting therefrom the 25% due Salt Lake City, said fines having been collected from the following cases prosecuted in Salt Lake City, Utah, an incorporated city:

Case No.	Name of Defendant	Amt. of Fine	Date Paid
5125	S. Vender .....	\$150.00	5-24-19
5163	Frank Fisher .....	100.00	11-17-19
5165	Jim Donaldson .....	100.00	11-17-19
5168	Lee Sing .....	100.00	11-17-19
5189	Pete Haynes .....	150.00	11-17-19
5191	S. K. Young.....	100.00	2-13-20
5344	C. H. Rogers.....	100.00	2-13-20
4244	Nora Robinson .....	25.00	6-20-16
4117	Fat Long .....	150.00	1-31-16
4637	Lee Duck .....	250.00	8- 1-17
4698	Hop Sing Lung.....	100.00	9-26-17
4712	S. Choi .....	100.00	10- 4-17
4713	Fat Long .....	100.00	10-12-17
4722	Marie Clark .....	100.00	12-10-17
4746	Philip Oliver .....	100.00	12- 8-17
4834	Jack Mitchell .....	100.00	3- 6-18
4882	Leo Davis .....	250.00	4- 6-18
4961	Mamie Wilson .....	100.00	11- 1-18

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\$2175.00

Proportion due Salt Lake City 25%.....\$543.75

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.

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## CHAPTER 159.

(House Bill No. 184.)

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### REIMBURSE SUMMIT COUNTY FOR JURY EXPENSES.

An Act providing for the appropriation in the sum of \$126.75, to reimburse Summit county for said amount.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. Reimburse Summit county. That the sum of \$126.75, be, and is hereby appropriated out of any funds in the state treasury not otherwise appropriated, for the reimbursement of Summit county; said amount being deducted from the state claim No. 167879, as a subsistence

charge for a jury held at hotel during the trial of the case of the state of Utah vs. Mike Finnan, charged with murder in the first degree, November 18th, to 21st inclusive, 1919, at Coalville, Summit county, Utah.

Sec. 2. This Act shall take effect upon approval.

Approved March 17, 1921.



RESOLUTIONS AND  
MEMORIALS



## RESOLUTIONS AND MEMORIALS

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### SENATE CONCURRENT RESOLUTION NO. 1.

(Passed January 13, 1921. Approved January 21, 1921. In effect January 21, 1921.)

#### MESSENGER TO GOVERNOR.

Whereas it appears necessary, in order to expedite the business of the legislature, that there be created the position of messenger to the governor,

Now, therefore, the said position is created for such time as the legislature shall be in session, and the governor is hereby authorized to appoint any suitable person to such position.

Approved January 21, 1921.

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### SENATE CONCURRENT RESOLUTION NO. 2.

(Passed March 10, 1921. Did not receive the signature of the governor.  
In effect March 22, 1921.)

#### CONSTITUTIONAL AMENDMENT INCREASING DEBT LIMIT.

A concurrent resolution providing an amendment to Section 1, Article XIV, of the constitution of the state of Utah, relating to state debt limitation.

*Be it enacted by the Legislature of the State of Utah, two-thirds of all the members elected to each of the two houses concurring therein:*

SECTION 1. Amend Sec. 1, Art 14. That it is proposed to amend Section 1, Article 14, of the constitution of the State of Utah, so that the same will read as follows:

Sec. 1. Increasing debt limit. To meet casual deficits or failures in revenue, and for necessary expenditures for public purposes, including the erection of public buildings, and for the payment of all territorial indebtedness assumed by the state, the state may contract debts, not exceeding in the aggregate at any one time, an amount equal to 2 percentum of the value of the taxable property of the state, as shown



by the last assessment for state purposes, previous to the incurring of such indebtedness. But the state shall never contract any indebtedness, except as in the next section provided, in excess of such amount, and all moneys arising from loans herein authorized, shall be applied solely to the purposes for which they were obtained. •

Sec. 2. Duty of secretary of state. The secretary of state is hereby directed to submit this proposed amendment to the electors of the state at the next general election in the manner provided by law.

Sec. 3. To take effect. If adopted by the electors of the state, this amendment shall take effect January 1, 1923.

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### SENATE CONCURRENT RESOLUTION NO. 3.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

### COMMENDING PORTLAND EXPOSITION, 1925.

A resolution endorsing and commending world exposition to be held at Portland, in the state of Oregon, in the year nineteen hundred twenty-five.

Whereas, it is proposed by the state of Oregon to hold a world's exposition in the city of Portland in the year nineteen hundred twenty-five, which is designed to be a great demonstration of peaceful arts, and

Whereas, this step is designed to signalize the return by the world to the normal enjoyment of peace and progress and deserves the commendation of the world, now therefore,

Be it resolved, by the governor of Utah, the senate and house of representatives concurring therein, that the legislature of the state of Utah endorses and commends the world's exposition to be held at Portland in the state of Oregon in the year nineteen hundred twenty-five.

Approved March 17, 1921.

## SENATE CONCURRENT RESOLUTION NO. 4.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

## CONSTITUTIONAL AMENDMENT TO CLASSIFY PROPERTY.

A resolution proposing amendment to Sections 2 and 3, Article 13, of the constitution of the State of Utah relating to property subject to taxation and rates of tax.

*Be it resolved by the Legislature of the State of Utah, two-thirds of all the members elected to each house concurring therein:*

SECTION 1. Amend Secs. 2 and 3, Art. 13. That it is proposed to amend Sections 2 and 3 of Article 13 of the constitution of the state of Utah, so that such sections will read as follows:

Sec. 2. To classify property. To the end that the burden of taxation may be equitable upon all property, the legislature is empowered to divide all property including moneys and credits as well as physical property, into classes and to determine what class or classes of property shall be subject to taxation and what property, if any, shall not be subject to taxation. Taxes shall be uniform upon all property of the same class and shall be levied and collected for public purposes only. Taxes may be imposed upon any and all property, including privileges, franchises and licenses to do business in the state, but this shall not be so construed as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by such stocks has been taxed. The legislature is empowered to impose taxes upon incomes, which taxes may be graduated and progressive and reasonable exemptions may be provided, and a credit may be allowed on income taxes for property taxes paid within the year; provided, that nothing in this section shall permit classification of mines or mining claims.

Sec. 3. Exempt property. The property of the United States, of the state, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for higher religious worship or charitable purposes and places of burial not held or used for private or corporate benefit, and mortgages upon both real and personal property shall be exempt from taxation. Ditches, canals, reservoirs, pipes, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose; a deduction of debits from credits may be authorized and taxes of the

indigent poor may be remitted or abated at such time and in such manner as may be provided by law.

Sec. 2. Duty of secretary of state. The secretary of state is directed to cause this proposed amendment to be published as required by the constitution and to be submitted to the electors of the state at the next general election in the manner provided by law.

Sec. 3. To take effect. If approved by the electors of the state this proposed amendment shall take effect on the first day of January, 1923.

Approved March 17, 1921.

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### SENATE JOINT RESOLUTION NO. 1.

(Passed March 10, 1921. Approved March 17, 1921. In effect March 17, 1921.)

#### CONSTITUTIONAL AMENDMENT, SALARIES OF LEGISLATORS.

A joint resolution proposing an amendment to Section 9, of Article VI, of the constitution of the state of Utah relating to compensation of the members of the legislature.

*Be it enacted by the Legislature of the State of Utah, two-thirds of the members elected to each of the two houses concurring therein:*

SECTION 1. Amending Sec. 9, Art. 6. It is proposed to amend Section 9, Article VI, of the constitution of the state of Utah so that the same will read as follows:

Sec. 9. Increasing per diem of legislators. The members of the legislature shall receive such per diem and mileage as the legislature may provide, not exceeding eight dollars per day, and ten cents per mile for the distance necessarily traveled going to and returning from the place of meeting on the most usual route, and they shall receive no other pay or perquisite.

Sec. 2. Duty of secretary of state. The secretary of state is hereby directed to submit this proposed amendment to the electors of the state at the next general election in the manner provided by law.

Sec. 3. To take effect. If adopted by the electors of the state this amendment shall take effect January 1, 1923.

Approved March 17, 1921.



## SENATE JOINT RESOLUTION NO. 4.

(Passed February 25, 1921. Approved March 5, 1921. In effect March 5, 1921.)

## BUILDING FOR RECORDS, RELICS, ETC.

Authorizing the governor to appoint a committee of five to investigate and report regarding the provision of a suitable place for the preservation and housing of documents, relics, etc., belonging to and pertaining to the history of the state of Utah.

Whereas, the history of any people can only be properly preserved for future generations when a place is provided wherein the documents, relics and other sources of information relating to their life and work may be housed; and

Whereas, we believe that the erection of a memorial building to contain such records and relics would receive the approval of the people of the state; therefore,

Be it resolved by the legislature of the state of Utah, that the governor is hereby authorized and requested to appoint a committee of five resident citizens of the state, who shall serve without pay, whose duties shall be to consider the subject of the erection of a building suitable for that purpose, and to report to the next session of the legislature.

Approved March 5, 1921.

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SENATE CONCURRENT MEMORIAL NO. 1.

(Passed January 28, 1921. Approved February 3, 1921. In effect February 3, 1921.)

## DUTIES ON LEAD.

Petitioning the congress of the United States to place increased import duties on lead.

*To the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor and legislature of the state of Utah, respectfully represent that:

Whereas, the production of lead is an important industry of the United States and in the state of Utah affords employment to thousands of persons directly, and indirectly to thousands of others, and

Whereas, the market price of lead has receded to the level that existed before the world war while production costs remain and will remain indefinitely much higher, in consequence of which many mines in this and other states have been compelled to suspend production and others to curtail production, thus depriving thousands of persons of employment, and

Whereas, the present import duties on lead are insufficient to enable the United States producers to operate under the working conditions and standards of living to which American miners are accustomed and entitled.

Now, therefore, the governor and legislature of the state of Utah respectfully petition that import duties on lead be increased as soon as possible in amount sufficient to enable domestic producers to resume and continue operations.

Approved February 3, 1921.

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## SENATE CONCURRENT MEMORIAL NO. 2.

(Passed January 31, 1921. Approved February 3, 1921. In effect February 3, 1921.)

### GREEN RIVER RECLAMATION PROJECT.

A memorial to the president and congress of the United States relating to a proposed federal reclamation project on Green River in the state of Utah.

*To the President and the Congress of the United States:*

Your memorialists, the governor and legislature of the state of Utah respectfully represent:

That the reclamation department of the federal government has appropriated 4,000 second feet of water to be diverted from Green river at a point near the confluence of Coal creek and the Green river to be used for reclaiming approximately 564,000 acres of land in San Rafael and Green river valleys in the state of Utah;

That the climate in said valleys is ideal for the production of fruits and agricultural crops;

That the land to be reclaimed is fertile and adapted for general agricultural purposes;

That the reclamation of said land will furnish homes for many citizens and especially for soldiers, sailors and marines of the world war;

Therefore, we respectfully memorialize you to enact the necessary law and to make the necessary appropriation to carry out the said project.

And your memorialists, as in duty bound, will ever pray.

Approved February 3, 1921.

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### SENATE CONCURRENT MEMORIAL NO. 3.

(Passed February 3, 1921. Approved February 10, 1921. In effect February 10, 1921.)

#### IRRIGATION INVESTIGATIONS.

Petitioning the congress of the United States to increase the appropriation for irrigation investigations in the United States.

*To the honorable, the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor and legislature of the state of Utah, respectfully represent:

That the division of irrigation investigations of the bureau of public roads, United States department of agriculture, has been retarded in its operations during the past year through lack of funds;

That the secretary of agriculture has recommended that this division be granted an appropriation of \$105,000 for the year ending June 30, 1922, which amount is necessary to the efficient functioning of this organization;

That the appropriations committee of the house of representatives of the United States has reported the appropriations bill out of committee with an allotment of only \$62,440 for the irrigation division;

That the said division occupies a very important field in the development of western agriculture, namely the solving of urgent and pressing problems of irrigation and drainage in the arid districts;

That there is not now any other means provided for the carrying on and maintaining of this work;



That the appropriations committee of the house of representatives of the United States has recommended an increase in the appropriation for drainage investigations in the humid states but said committee has failed to make a similar recommendation for the division of irrigation investigations;

Now, therefore, we, the governor and legislature of Utah, respectfully memorialize your honorable body to make the proper and necessary appropriations for the efficient maintenance and support of the division of irrigation investigations.

After approval by the legislature and the governor, the secretary of state is hereby instructed to forward a certified copy of the above to each house of the national congress.

Approved February 10, 1921.

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#### SENATE JOINT MEMORIAL NO. 4.

(Passed February 19, 1921. In effect February 19, 1921.)

#### NATIONAL REDUCTION OF ARMAMENT.

A memorial to the congress of the United States—favoring a reduction of armaments.

*To the honorable the Senate and the House of Representatives of the United States in Congress assembled:*

Your memorialists, the senate and house of representatives of the state of Utah, in the interest of international peace and co-operation and for the purpose of reducing the expenditures of the federal government and thereby easing the staggering burden of taxation that now lies upon the American people, respectfully urge favorable action on the pending resolution requesting the president to enter into negotiations with Great Britain and Japan looking to a reduction of 50 per cent annually in naval expenditures for a period of five years.

We are informed that the naval estimates of the United States for the coming fiscal year are \$692,000,000, and the expenditures of other nations are similarly stupendous. The crime of competitive armaments not only threatens to bankrupt the rival nations participating therein, but is a constant menace to world peace. As the richest and most powerful country in the world, the United States, should show its devotion to the cause of peace by taking the lead in the reduction of armaments.

Our expenditures for past and future wars are stifling our prosperity. The history of the world war shows the criminal fallacy of rival armaments as an insurance against war. We pray that our country may immediately take the initiative in destroying this vicious system, thereby bringing about an era of international friendship and good will, and throwing off the burden of wanton waste in expenditure for armaments.

In effect February 19, 1921.

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### SENATE JOINT MEMORIAL NO. 5.

(Passed February 28, 1921. Approved March 5, 1921. In effect March 5, 1921.)

#### DISABLED SOLDIERS, ETC.

A memorial to the congress of the United States urging the enactment of legislation for the relief of disabled soldiers, sailors and marines of the recent world war.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the senate and house of representatives of the state of Utah, respectfully urge the passage of pending legislation for the co-ordination of the bureau responsible for the care of the disabled veterans of the recent world war and also the appropriation of money for the building of adequate hospitals for the rehabilitation of disabled soldiers, sailors and marines.

The nation has been generous in its treatment of the men who sacrificed health and strength in her service, but delay and neglect are still keeping from many the relief which is their due.

The men who volunteered or were drafted into the service, and then through wounds or disease were rendered unfit for the struggle of life, have a claim upon us that we cannot deny. It is not a question of being generous,—it is a question of being just, of discharging a debt of honor, and of redeeming the fair promises that we made when the boys were called to the colors.

Moreover, these incapacitated service men are entitled to our most profound gratitude for what they gave to the sacred cause of liberty, and we should be a nation of despicable ingrates did we not now treat them with open-handed liberality.

The country wishes to do its full duty to those for whom the war is not yet over. Let it be done quickly, lest delay should cause further suffering.

Approved March 5, 1921.

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## HOUSE CONCURRENT RESOLUTION NO. 2.

(Passed January 17, 1921. Approved January 22, 1921. In effect January 22, 1921.)

### BISON ON ANTELOPE ISLAND.

Providing for the appointment of a committee to investigate the threatened destruction of a herd of bison on Antelope island and to report what, if anything, may be done to prevent said destruction.

Whereas, it is a matter of common report that hunters are being permitted to kill bison from a privately owned herd on Antelope island; and

Whereas, it would be a calamity and disgrace to permit the slaughter of these animals, now almost extinct, if they can be saved by reasonable effort and means;

Therefore, be it resolved, that the president of the senate and the speaker of the house of representatives of the Utah legislature be, and they are hereby authorized and directed, to appoint a committee to consist of two members of the senate and two members of the house of representatives to investigate the facts concerning the threatened destruction of said bison and to report to the legislature now in session within ten days after their appointment, what, if anything, may be done to the end that said bison may be saved from destruction.

Approved January 22, 1921.



## HOUSE CONCURRENT RESOLUTION NO. 3.

(Passed January 24, 1921. Approved January 31, 1921. In effect January 31, 1921.)

## ARROWHEAD TRAIL.

Asking the legislature of the state of Arizona to pass the bill providing for the construction of the Arrowhead trail.

*To the Legislature of the State of Arizona:*

Your memorialists, the governor and legislature of the state of Utah in legislature assembled, most respectfully represent:

That whereas there is now pending before your honorable body a bill providing for an appropriation from your state to continue the Arrowhead trail through Mohave county, and

Whereas the completion of the said trail through the said county of Mohave will very materially add to the convenience, economic welfare and general good of both your state and ours, and

Whereas, we, the legislators of the state of Utah are interested in the betterment and construction of interstate highways between the states of Utah and Arizona.

Now therefore, be it resolved, that your memorialists respectfully endorse the passage of the bill providing for the construction of the Arrowhead trail through the county above referred to.

Approved January 31, 1921.

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## HOUSE CONCURRENT RESOLUTION NO. 5.

(Passed March 5, 1921. Approved March 10, 1921. In effect May 10, 1921.)

## PORTRAIT OF GOVERNOR BAMBERGER.

Authorizing portraiture of Honorable Simon Bamberger, governor of the state of Utah during the years 1917 to 1920, inclusive.

*Be it resolved by the House of Representatives, the Senate concurring:*

Whereas, it is the desire and wish of the legislature that suitable portraits of the governors of this state should be made and hung in the executive chambers.

Now, be it therefore resolved, that his excellency, the governor of this state, is hereby requested to procure a suitable oil portrait of former Governor Simon Bamberger, to become the property of the state and to be hung in the executive chamber, and the sum of \$1,000, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this resolution.

Approved March 10, 1921.

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#### HOUSE JOINT RESOLUTION NO. 4.

(Passed March 10, 1921. Approved March 14, 1921. In effect March 14, 1921.)

#### MORMON BATTALION.

Expressing appreciation to the legislature of Arizona for granting an appropriation to the Battalion monument fund.

Whereas the legislature of the state of Arizona has appropriated \$2500 toward the erection of the Mormon battalion monument, which monument is to be in honor of Utah's pioneer battalion and its particular contribution toward the winning of the West, and

Whereas members of this battalion were also numbered among the pioneers of the state of Arizona and

Whereas said monument is to be erected upon the capitol grounds of the state of Utah;

Now therefore be it resolved by the senate and the house of representatives of the state of Utah in regular session assembled that we do express to the legislature of the state of Arizona our appreciation for their generosity and good fellowship.

Be it further resolved that the secretary of state be instructed to forward by wire a copy of this resolution to both houses of the legislature of the state of Arizona.

Approved March 14, 1921.

## HOUSE CONCURRENT MEMORIAL NO. 1.

(Passed January 14, 1921. Approved January 22, 1921. In effect January 22, 1921.)

## FORDNEY TARIFF BILL.

A memorial asking the congress of the United States to pass the Fordney emergency tariff bill.

*To the honorable, the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor, and the legislature of the state of Utah now in regular session assembled respectfully urge the earliest possible enactment of the Fordney emergency tariff bill.

The operation of the Fordney bill is needed to stabilize business and financial conditions which in western states are principally dependent upon livestock and crop production.

In the absence of such action continuation of the present conditions will necessitate further calling of agricultural loans and ensuing serious curtailment of production in the immediate future.

Agricultural products cannot now be marketed at nearly the cost of production. New crops must be produced at a loss if relief is not given; especially is this true of the wool crop now nearly grown.

Approved January 22, 1921.

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HOUSE CONCURRENT MEMORIAL NO. 1.

(Passed February 24, 1921. Approved March 3, 1921. In effect March 3, 1921.)

## ASKING GRAZING LANDS FOR HOMESTEAD ENTRY.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists, the governor and the legislature of the state of Utah, respectfully represent that:

Whereas, certain lands embraced in what is known as Indian grazing lands, were set aside for the purpose of having grazing lands outside of the forest reserve, for the grazing of stock belonging to the Ute, Uncompagre, and White river Indians, and



Whereas, there is more of these lands in this reserve than is necessary for the grazing of the stock of the aforesaid Indians, and

Whereas, much of this land is suitable for agriculture and is now under canals,

Now, therefore, the governor and the legislature of the state of Utah, respectfully petition that such lands which are within the aforesaid Indian grazing reserve, which are suitable for agriculture, be segregated and set apart and made subject to homestead entry under the homestead laws, or that they be made subject to settlement or sale in some manner to be determined by your honorable body.

Approved March 3, 1921.

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## HOUSE CONCURRENT MEMORIAL NO. 2.

(Passed February 2, 1921. Approved February 4, 1921. In effect February 4, 1921.)

### PUBLIC LANDS IN UTAH.

Memorializing congress to pass senate bill introduced by Senator King appropriating \$100,000.00 for the survey of public lands in the state of Utah.

*To the Senate and House of Representatives in Congress assembled:*

Your memorialists the governor and legislative assembly of the state of Utah respectively represent:

That there are now approximately nineteen millions of acres of unsurveyed public lands within the state of Utah:

That there are now pending in the surveyor's office applications for the survey of approximately 130 townships of this unsurveyed land:

That a large part of the land included in the applications for survey is of a character that the same will be entered under the public land laws of the United States as soon as they are surveyed:

That there is now pending in the senate of the United States a bill introduced by Senator Wm. H. King making an appropriation of \$100,000.00 to be used in surveying public lands in this state, which sum will survey approximately 50 townships or only five-thirteenths of the amount now applied for:

Your memorialists therefore respectfully memorialize the senate and house of representatives in congress assembled to enact into law the

said bill and thereby make available for use by the citizens of the United States the land which will be surveyed by the moneys so appropriated and which is not now subject to entry.

Be it further resolved; that a copy of this memorial be sent to each of the senators and representatives from the state of Utah.

And your memorialists will ever pray.

Approved February 4, 1921.

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### HOUSE CONCURRENT MEMORIAL NO. 3.

(Passed February 24, 1921. Approved March 4, 1921. In effect March 4, 1921.)

### FEDERAL AID FOR HIGHWAYS.

Petitioning the congress of the United States to extend additional federal aid to the states for the construction of highways.

*To the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor and the legislature of the state of Utah, respectfully represent:

Whereas, the state of Utah has undertaken the improvement of a highway system that will provide highway connections between the principal centers of population within the state and to similar districts in adjacent states for the purpose of meeting the economic and social needs for better transportation facilities, and

Whereas, available state funds and federal apportionments combined with maximum future state appropriations are insufficient to construct those sections of the state highway, the improvement of which is necessary to make the system reasonably useful for local and interstate transportation;

Now, therefore, be it resolved by the legislature of the state of Utah, both houses concurring, that we hereby indorse and recommend the passage of house bill No. 15873, which we feel will temporarily afford relief to the state of Utah.

Approved March 4, 1921.

## HOUSE CONCURRENT MEMORIAL NO. 4.

(Passed February 18, 1921. Approved March 1, 1921. In effect March 1, 1921.)

## FORDNEY TARIFF BILL.

A memorial asking the president of the United States to approve the Fordney emergency tariff bill.

*To his excellency, the President of the United States:*

Your memorialists, the governor, and the legislature of the state of Utah, now in regular session assembled, respectfully urge your approval at the earliest possible date of the Fordney emergency tariff bill.

The operation of the Fordney bill is needed to stabilize business and financial conditions which in western states are principally dependent upon livestock and crop production.

In the absence of such action continuation of the present conditions will necessitate further calling of agricultural loans and ensuing serious curtailment of production in the immediate future.

Agricultural products can not now be marketed at nearly the cost of production. New crops must be produced at a loss if relief is not given; especially is this true of the wool crop now nearly grown.

The secretary of state is hereby requested to forward by wire a copy of this memorial to his excellency the president of the United States.

Approved March 1, 1921.

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HOUSE CONCURRENT MEMORIAL NO. 5.

(Passed March 9, 1921. Approved March 16, 1921. In effect March 16, 1921.)

## LANDS FOR PUBLIC SCHOOLS.

Urging the senators and representatives from Utah to secure early passage by congress of a bill further to assure the title to lands granted the several states, in place, in aid of public schools.

*To the honorable Senators and Representatives from Utah, Washington, D. C.:*

Your memorialists, the governor and the legislature of the state of Utah, respectfully represent that:



Whereas, senate bill No. 3305, heretofore introduced by Senator Smoot entitled "A bill further to assure the title to lands granted the several states, in place, in aid of public schools" failed of passage, and

Whereas, it is believed that the enactment of such a bill into law will aid in financing the support of our public schools:

Now, therefore, your memorialists do respectfully request and urge that you use your best efforts toward having a similar bill, embodying suggested amendments, introduced in congress, and toward securing early and favorable action in the premises.

It shall be the duty of the secretary of state to transmit a copy of this memorial to each senator and representative from Utah.

Approved March 16, 1921.

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### HOUSE JOINT MEMORIAL NO. 1.

(Passed February 18, 1921. Approved March 1, 1921. In effect March 1, 1921.)

#### ALIEN LANDHOLDING.

Petitioning the congress of the United States to pass such legislation as will prohibit, with certain exceptions, the further immigration of Oriental aliens and safeguard rights of states to enact such legislation respecting acquisition, succession to and disposition of lands within their borders.

*To the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor, and the legislature of the state of Utah, respectfully represent, that

Whereas, during recent years there has arisen in our western states a very grave problem in connection with immigration and civic rights of Oriental aliens, and

Whereas, these Oriental aliens will always remain separate and distinct from our own people, and there exists a social chasm between them and the white people that will never be successfully crossed, and their presence in large numbers in our midst will always be a source of trouble, and

Whereas, certain of our sister states have found it necessary to enact legislation looking to the solution of this problem, and the protection of the rights of their own citizens;

Now, therefore, be it resolved by the legislature of the state of Utah, both houses concurring, that we hereby endorse and commend the recent firm stand taken by the state of California upon this question, and disapprove and condemn the making of any treaty or other agreement between the United States and any Oriental nation, or the enactment of any law by congress, by the terms of which the right to citizenship shall be extended to the people of any Oriental nation, and

Be it further resolved, that we favor and urge congress to enact a law, or to take any other action that may be found necessary and proper, that will prohibit the further immigration of the subjects of Oriental nations to the United States, save and except students, merchants, teachers and their servants and employees, and

Be it further resolved, that in any treaty or agreement hereafter to be made with any Oriental nation, the right of any state to enact legislation respecting the acquisition, succession to and disposition of lands within the borders of such state by aliens, must always be recognized and safe-guarded.

Approved March 1, 1921.

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### HOUSE JOINT MEMORIAL NO. 3.

(Passed February 17, 1921. Approved February 23, 1921. In effect February 23, 1921.)

### COAL, SHALE, OIL, ETC.

Urging the passage of Senate Bill No. 4925, by Senator Smoot, entitled an Act to promote the mining of coal, shale, oil, etc., on the public domain.

*To the honorable, the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the senate and house of representatives of the state of Utah, respectfully represent that:

Whereas, a bill is now pending before the senate of the United States providing for a modification of the present coal, shale and oil leasing laws,

Whereas, said bill is in the interest of the man of small capital and for the better development of the mineral and oil resources of the United States;

Now, therefore, your memorialists do advise, recommend and request that the measure herein referred to be passed by your honorable body with the celerity that its merit justifies, and thus meet a situation that has already arisen, the importance of which is vital to the interests above referred to.

It is directed that this memorial be enrolled and one copy sent to the president of the United States, one copy to the president of the senate and one copy to the speaker of the house, and one copy to each senator and representative in congress from the state of Utah.

This resolution shall take effect upon approval.

Approved February 23, 1921.

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#### HOUSE JOINT MEMORIAL NO. 4.

(Passed February 23, 1921. Approved March 4, 1921. In effect March 4, 1921.)

#### STATE RIGHTS OVER RAILWAYS.

*To the Senate and House of Representatives of the United States, in Congress assembled:*

Your memorialists, the governor and legislative assembly of the state of Utah, respectfully represent:

That the interstate commerce commission in recent decisions interprets the transportation act of February 28, 1920, as giving that body complete authority over the railways, the entire field of transportation, the traffic itself and all the instrumentalities and means of carrying it on;

That such interpretation and such assumption of complete and exclusive authority over the railways defies and sets at naught the sovereign rights and laws of Utah, and other states enacted to give the said states proper regulatory supervision over railways within their own borders;

That we believe it unwise and against the interests of the public to vest such power and authority in the interstate commerce commission.

Therefore, we respectfully urge that congress amend the said transportation act so as to provide without possibility of misinterpretation that the authority of the states over railways within their own borders shall be recognized, upheld and maintained.

Approved March 4, 1921.





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